

Copyright, Fair Use and Public Performance

The information below details recent changes to IUP's copyright policies and procedures. For many years IUP has been in the process of establishing a copyright policy. Please see

<http://www.iup.edu/page.aspx?id=165526>

The policy, along with defining a compliance officer and establishing a website with training allows the IUP some protection under fair use, DMA, and the TEACH Act. A copyright committee was charged with putting together guidelines that will provide best practices in this area. As the rules change as litigation proceeds this will be work in progress. Below is what we currently believe to be the current state of affairs when it comes to public performance rights.

What the Library needs to state clearly is that if you choose to operate outside of the recommended guidelines you will be "on your own" as far as any copyright fair use protection is concerned.

Given this information please make any decision concerning your program needed. Please contact the Copyright Compliance Officer if needed.

Thank You
Library Administration

Access to/Use of Library Resources: Copyright Policy Public Performance Rights

It is a public performance if **any** of the following are true:

- the screening is open to the public
- the screening is in a public space- dorm lounge, library, auditorium, etc
- access is not restricted
- persons attending are outside the normal circle of a family and its acquaintances examples of public performances:
 - showing a foreign-language film to the community for cultural enrichment
 - showing a film in your dorm.
 - showing a film to your club or organization
- instructor showing a film in the classroom for curriculum-related purposes, but inviting persons outside the class to attend
- instructor showing a film to the class for curriculum-related purposes, but in a public or unrestricted-access location examples of non-public performances:
 - privately viewing the film in your dorm or apt. with a small group of friends

- instructor showing a film only to officially registered students in a classroom, where the content of the film is directly relates to the course.

Library-owned films rarely include public performance rights. Showing films (either rented, purchased or borrowed from the library) outside of the classroom may be illegal. Showing a copyrighted film (VHS, 16mm, DVD) outside the classroom without obtaining public performance rights is in all likelihood illegal.

You can rent the film from a distributor. (The cost of this solution varies with the popularity of the movie.)<http://www.videouniversity.com/distribs.htm>

You get permission from one of the following:

The [Motion Picture Licensing Corporation](#), [Movie Licensing USA](#), and [Swank Motion Pictures, Inc.](#), grant public performance rights.

The Motion Picture Licensing Corporation is an independent copyright licensing service exclusively authorized by major Hollywood motion picture studios and independent producers to grant Umbrella Licenses to nonprofit groups, businesses, and government organizations to ensure that the public performances of home videodiscs and videocassettes comply with the Federal Copyright Act.

Movie Licensing USA, a corporate division of Swank Motion Pictures, Inc., addresses the specific Movie Public Performance Site Licensing needs of schools and public libraries. Movie Licensing USA provides an exclusive license that satisfies the copyright protection needs of the movie producers, while offering a worry-free, liability-free movie license.

Swank Motion Pictures, Inc., is a major movie distributor and a public performance licensing agent in non-theatrical markets where feature entertainment movies are shown. Swank Motion Pictures, Inc., has exclusive distribution arrangements in many markets with most American movie producers for the motion pictures seen in theaters. Creating an account requires basic information (shipping and billing addresses, contact person, telephone number, fax number, and an e-mail address), and pricing varies by format, title, and venue. For more information, contact:

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Swank Motion Pictures
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Fax: 314-289-2192
E-mail: tellis@swank.com

References

"Copyright Law - Video recordings and Public Performance Rights for Library Materials" *Williams College Library*. 22 August

2006 http://www.williams.edu/library/guides/videos_copyright.php

"Public Performance Rights - the Basics". *Johns Hopkins University Sheridan Library*.
2004 <http://www.library.jhu.edu/researchhelp/film/ppr.html>

"Getting Permission" *University of Texas System* 17 November
2004 <http://www.utsystem.edu/OGC/Intellectualproperty/permisn.htm>

"Showing Films at Harvard - Public Performance Rights" *Harvard
College* 2003 <http://www.fas.harvard.edu/~scdiroff/movies/index.html>