

Showing a Movie in the MSC

You have indicated that you will be showing a movie during your Event. **Please bear in mind that you must have a license to publicly show a movie in order to host a movie night event in the Marshall Student Center. *Owning or renting a copy of the movie does not confer the license to publicly use it.*** Purchasing a copy of copyrighted material only provides the right to use that copy for personal use.

To show a movie at your event in the MSC, please follow the steps below:

1. Determine if your movie requires a public performance license based on the guidelines below.
2. Obtain a public performance license. Please note that the process of acquiring a license may take some time. We suggest starting this process in advance to avoid having your event rescheduled or cancelled.
 - You can purchase a public use license through organizations such as Swank Motion Pictures, Inc. and Criterion Pictures USA. For a documentary, we recommend contacting the production company directly. We recommend having a back-up plan, such as holding a different kind of event or showing a public domain film, in case you can't get the license in time.
3. Send a copy of the license to your MSC Event Planner. You will not be permitted to show a film without the appropriate license.

Copyright Guidelines for Showing Movies, DVDs and Videos

(Adapted for MSC with permission of the author/creator, Steven McDonald, General Counsel for the Rhode Island School of Design)

When you buy, rent, or borrow a DVD, video or movie made by someone else, you obtain only the copy, and not the underlying copyright rights to the movie. You do not have the right to show the movie to "the public." In most cases, doing that requires a separate "public performance" license from the copyright owner.

First, is it a "public performance"?

The showing of a movie will be considered to be a "public performance" if either of the following is true:

- You will be showing the movie to people other than members of your family or a small group of your friends.
- You will be showing the movie in a place that is open to people other than members of your family or a small group of your friends (for example, a conference room, Oval Theater or Ballroom), whether or not any such people attend.



If so, is there an applicable exception to the license requirement?

Even if your proposed showing will constitute a “public performance”, you still will not need to obtain a license if either of the following is true:

- Your copy of the movie came with an express license authorizing the particular manner of showing. (For example, some educational movies, such as those purchased directly from California Newsreel at the “institutional” price, come with licenses to show the movies for certain noncommercial institutional purposes.)
- The movie you wish to show is in the “public domain.” (Determining whether a particular movie is in the public domain can be difficult, and even movies that are quite old can still be protected by copy right. The Public Domain Movie Database publishes a list of movies it believes to be in the public domain, but it is neither complete nor authoritative.)

If you do need a “public performance” license, you can obtain one in one of the following ways:

- By renting the movie directly from a distributor that is authorized to grant such licenses, such as Swank Motion Pictures, Inc., rather than from a video store.
- By contacting the copyright holder (generally the studio) directly.

In most cases, you will be eligible for a “non-theatrical” public performance license, which is considerably cheaper than what a commercial cinema must pay. Still, the cost is likely to be at least several hundred dollars, especially for the most recent movies. That may seem unreasonable, but keep in mind that inability or unwillingness to pay is not a valid defense to a copyright infringement lawsuit. Student organizations showing films for entertainment are responsible for paying royalties.

If you have any questions about movie licenses or about copyright law generally, please contact the USF Office of the General Counsel at 813-974-2131 or visit <http://regulationspolicies.usf.edu/policies-and-procedures/pdfs/policy-0-105.pdf>

Other umbrella licenses can be acquired at <https://www.mplc.org>

