

### Film Screenings at UNC Asheville Campus Policies and Federal Copyright Law

This site is intended to provide a brief and cursory overview of Federal Copyright Laws and university policies that govern the screening of films on the UNC Asheville campus. The Federal Copyright Act (Public law 94-553, Title 17 of the United States Code) governs the conditions under which copyrighted materials, such as films, may be screened.

#### Public Campus Screening

If you would like to screen a film on campus as part of a public campus program (including an academic film series), you must obtain a Public Performance License (typical range: \$300.00 - \$500.00) for the individual film(s) from a licensing agent (a list is provided below), which allows you the right to screen your film publicly on the UNC Asheville campus. This license is required even if your film is offered to the public for free and is educational in nature. If using University facilities for the screening, you will be required to provide the appropriate University entity with a copy of the license that specifies the title and screening date of the approved film.

Federal Copyright Laws protect all movies viewed in public areas regardless of format (16 mm, 35 mm, video tape or DVD). Video Tapes and DVDs that are available for purchase, rental, or library check-out are for private home viewing purposes only.

There are, however, a few exceptions. You may screen the film publicly if:

1. The film is in the Public Domain.
2. You have written permission from the film's producer or other holder of the right to grant such permission.
3. The film is obtained from a company that provides a Public Performance License with the purchase of the film. *Many of the films purchased by Ramsey Library, particularly popular movies, are restricted to "face-to-face" classroom teaching situations or for private viewing. We do have the Public Performance Rights for many "instructional" titles from Films for the Humanities, Appalshop, and a few others where public performance rights were required and included in the purchase price.*

#### Classroom Screenings/Face-to-Face Teaching

The Federal Copyright Law allows for the screening of a DVD or videocassette, without a license, in certain narrowly defined face-to-face teaching activities (Federal Copyright Act, Title 17, section 110(1)). UNC Asheville understands that the face-to-face teaching exemption is valid only in situations where a teacher is present in a non-public classroom environment, uses a "lawfully made" DVD, videocassette, or other motion picture or audiovisual work for the purpose of teaching part of a course curriculum, and the screening is not open to the public (i.e., screening is limited to those enrolled in that particular class). This educational exemption only applies to nonprofit academic institutions. Further, a motion picture in whatever format (including DVD or videocassette) that has been made by copying or recording on a home (or similar) recording device (e.g., VHS or DVD recorder) is not lawfully made for purposes of this exemption. A DVD or video recording that was manufactured and distributed by an entity having the right to do so, and that has been purchased, rented, or borrowed from a library, is lawfully made.

# UNC-Asheville Ramsey Library –Policies & Procedures

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## **Federal Copyright Law Title 17, Chapter 1**

**Section 101.** To perform or display a work “publicly” means —

(1) to perform or display it at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered;

### **Section 110. Limitations on exclusive rights: Exemption of certain performances and displays**

Notwithstanding the provisions of **Section 106**, the following are not infringements of copyright:

(1) performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made under this title, and that the person responsible for the performance knew or had reason to believe was not lawfully made;

## **General Film Usage Restrictions under the Federal Copyright Act**

Restaurants, prisons, summer camps, public libraries, day-care facilities, parks and recreation departments, churches, and non-classroom use at schools and universities are all examples of screenings where a public performance license must be obtained. This legal requirement applies regardless of whether an admission fee is charged, whether the institution or organization is commercial or non-profit, or whether a federal or state agency is involved.

Businesses, institutions, organizations, companies or individuals wishing to engage in non-home showings of home videocassettes or DVDs must secure licenses to do so - regardless of whether an admission or other fee is charged (Section 501). This legal requirement applies equally to profit-making organizations and non-profit institutions (Senate Report No. 94-473, page 59; House Report No. 94-1476, page 62).

## **Non-theatrical movie distributors and Public Performance Licensing Agents for publicly exhibited film screenings. Film catalogs vary with each company.**

Swank [www.swank.com](http://www.swank.com)

Criterion [www.criterionpicusa.com](http://www.criterionpicusa.com)

New Yorker Films [www.newyorkerfilms.com](http://www.newyorkerfilms.com)

First Run/Icarus Films [www.frif.com](http://www.frif.com)

October Films [www.octoberfilms.co.uk](http://www.octoberfilms.co.uk)

Filmakers Library, Inc. [www.filmakers.com](http://www.filmakers.com)

Women Make Movies [www.wmm.com](http://www.wmm.com)

**Federal Copyright Website:** <http://www.copyright.gov/title17/>

**UNC Asheville Copyright Information:** <http://www.unca.edu/copyright/>