MEMORANDUM

To: Rose Hill Club Leaders

From: The Office of Student Leadership and Community Development

Date: November 7, 2006

Re: Public Viewings of Movies on Campus

Through the club budget allocation process, the staff in the Office of Student Leadership and Community Development noticed there are inconsistencies in how clubs are planning movie screenings on campus. We discovered that many clubs are not aware of copyright law and do not know how to properly secure movie rights. We are trying to educate students on how to host such programs so that Fordham University is not in violation to federal copyright law. We hope this memorandum will help your club plan successful programs.

Showing a movie, advertising the movie and having students attend the event is an excellent program, but students need to secure the rights if the event is considered a public viewing of the movie. The Office of Student Leadership and Community Development staff can help students interpret copyright law and determine whether the event they are planning is a public viewing of a movie or a private viewing of a movie (residence hall room). DVDs that students purchase or rent in a video store are for private viewing in one’s home and viewing these movies in a public venue is not the same as viewing it in one’s own home. Public viewings of movies that are intended for home use is in violation of copyright law and could subject the university to fines.

The Student Activities Budget Committee will not fund any events that include a film viewing without confirmation that the organization will be obtaining permission to screen that film. Additionally, OSL&CD will not process payment for an event that includes an illegally screened film.

Please read this memorandum in its entirety to learn how you can legally include a film in your next club event.

FREQUENTLY ASKED QUESTIONS:

Why does my organization need to get permission to show this film?
Copyright infringement is a serious offense under the law, and is also the equivalent of stealing from a film distributor. While it is important to abide by the law, it is also important that your organization represents itself well by doing the right thing—getting permission to show the film. As a Fordham organization, the University counts on you and your organization to behave in a manner consistent with University policies, and state, local, and federal law.

What does the Law say?
The Federal Copyright Act (Title 17 of the United States Code) governs how copyrighted materials, such as movies, may be used. Neither the rental nor the purchase of a video tape carries with it the right to show the tape outside the home. In some instances no license is required to view a videotape, such as inside the home by family or social acquaintances and in certain narrowly defined face-to-face teaching activities. Taverns, restaurants, private clubs, prisons, lodges, factories, summer camps, public libraries, day-care facilities, parks and recreation departments, churches and non-classroom use at schools and universities are all examples of situations 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.

What are the penalties for copyright infringement?

“Willful” infringement for commercial or financial gain is a federal crime and punishable as a misdemeanor, carrying a maximum sentence of up to one year in jail and/or a $100,000 fine. Even inadvertent infringers are subject to substantial civil damages ranging from $500 to $20,000 for each illegal showing. This is certainly more expensive than purchasing the rights to show a film!

When do we need permission, and when don’t we need permission?

Permission to show a film is necessary more often than you might think. Some common examples are:

• **Any time you show a film in the McGinley Center or any other public University space** (this is any lounge, or common area at the University). These spaces are considered “public” spaces, and showing the movie in these areas is the equivalent to showing them in a theater.

• **If you have used publicity to invite your audience** to the showing (this includes but is not limited to mass emails, letters, flyers, and web postings). Because movie rentals are intended for private use, renting them does not provide you with the permission you need to have a public showing in which an audience is invited.

• **If you are charging admission** for the showing or an event in conjunction with the showing (charging for a lecture that will accompany the film, for example).

• **You may not need permission if the film is being screened for educational purposes.** Movie viewings in the context of a classroom environment often do not require rights. If the distributor has special permissions for films shown for educational purposes, they may need to give you the written confirmation you need to protect your event under the law and University policy. If you think your program may be considered and educational viewing, talk with a staff member in OSL&CD who can help you determine whether your program is considered educational in nature.

• **You do not necessarily need permission if you are showing brief parts of the film.** There is no set rule for what “brief” means in this context, but a general rule is that these snippets are acceptable when the event is free, when the snippet does not reveal key plot items to the film, when the length of the showing is insubstantial, and when it doesn’t affect people’s likelihood of seeing the entire film.

• **Your department may already have permission to show the film.** If you are showing the film in conjunction with an academic department, that department may already have permission. Check with your department to be sure. If permission is already granted, they will be able to show you written proof.

How can I obtain movie rights?

Getting permission for showing most films is fairly simple. For some rare or international films, it may prove to be a bit trickier. However, there are resources on campus to help you if you should have problems. Most “mainstream” films that are distributed for non-commercial use (which is what most campus showings would be) come from one of two main distributors, or you can search for the proper source:

**SWANK Motion Pictures, Incorporated** – the web site for this company is [www.swank.com](http://www.swank.com), and the phone number is 1-800-876-5577. The list of films they distribute is on their web page, but they add new films everyday.

**Criterion** – Another company like SWANK, they are the other big distributor. Their web site is [www.criterionpic.com](http://www.criterionpic.com), and their phone number is 1-800-890-9494.

**Conduct a web search**—a good place to start is [www.imdb.com](http://www.imdb.com), the Internet Movie Database. Simply go to the site, type in your film in the search area on the left, and choose the correct film out of the results. Once you choose your film, go to the “Company Credits” and look up “distribution.”
If you STILL can’t find out who distributes the film, you can call (310) 247-3020, to the Reference Library of the Motion Picture Academy.

If you have already done all this, and you STILL can’t find it, call the Office of Student Leadership and Community Development at 718-817-4339.

What is a film distributor going to ask me?
- Your name, and the name of the organization you are working with
- How you intend to show the film (advertise all over campus vs. to a small group, whether you are charging, what venue you are showing the film in)
- If there is a charge, how your organization will pay
- When you intend to show the film
- Contact information for your organization
- Whether or not you need them to send you a copy of the film

Is this going to cost money?
It might. The only way for you to determine this is to call the distributor, explain under what context the film will be shown, and see what they can do for you. If there is a fee, it will matter whether or not you are charging for the showing, how many people you expect, whether or not you need a copy of the film sent to you, and how often you show films. Have all of the information handy about your event when you speak with the film’s distributor.

After I have obtained permission, what “proof” does the Office of Student Leadership and Community Development need to see?
Once you have obtained the rights, you will receive a written record of your permission to show the film. This is commonly called a “confirmation.” If you are being charged, an invoice will follow this confirmation once you show the film. Confirmations can come via the mail, or via email, and will have the film, the date(s) you have permission to show the film, the contact information of your representative from the distribution company, and the format you requested the film in (if the film is being sent to you), and other pertinent information. If a distribution company is unable to provide a confirmation, they should send you a letter electronically or via mail that certifies that you have legally obtained the rights to show the film. This should be on letterhead with all contact information of the distributor available.

What do I do after the program?
If the distributor sent the movie to you, is important to return the movie to the distributor by the return date or you will be charged late fees and may even be asked to pay the replacement value of the movie if it is lost or stolen. Your club will be held accountable for the movie.

I have more questions. Who can I talk to?
If you have questions specifically regarding the need for permission when showing films, feel free to contact Meredith Crain, Assistant Director for Programming in the Office of Student Leadership and Community Development at 718-817-4339. If you would like to know more about copyright information in general, film events, or planning an event around a film, please feel free to contact or visit OSL&CD.

Sources:
Copyright Act: Title 17 of the United States Code
The University of Kansas Union website: http://www.union.ku.edu/eventservices/es_movies_copyright.pdf
The University of Alaska Club Life Website: http://edit.uaa.alaska.edu/clubs/upload/Public%20Viewing%20of%20Movies%20on%20Campus.doc
The Mount Holyoke website: http://www.mtholyoke.edu/lits/7787.shtml