

Motion Picture Copyright Policy

What do I need to know about Motion Picture Copyright on a college campus?

First off, it is very easy to violate copyright laws and unfortunately it often happens on college campuses. Every time a group of students rent a movie from a company (Redbox, Blockbuster, etc.), buy a movie at the store, or stream a motion picture online (YouTube, Netflix, etc.) to an audience beyond those that live in the same household/apartment/suite, you may be violating copyright laws.

The Federal Copyright Act (Title 17, United States code, Public Law 94-553, 90 Stat. 2541) governs how copyrighted materials may be shown, publicly. Renting or purchasing a film does not carry the rights to show the film outside of your own home – thus the FBI warning at the beginning of every motion picture.

The law offers an “Education Exemption,” but essentially this only applies to a course instructor who is using the film as material assisting with the course content and within the confines of the classroom where only the enrolled students are participants. Here is a brief explanation of how the Education Exemption works:

Educators are only exempted from purchasing licensing for a feature film if the movie meets all of the following criteria:

- 1. The film is an “integral part of a class session” and is of “material assistance to the teaching content.”**
- 2. The film screening is supervised by a teacher in a classroom.**
- 3. The film screening is attended only by students enrolled in a registered class of an accredited nonprofit educational institution.**
- 4. The film must be lawfully made using a movie that has been legally produced and obtained through rental or purchase (ie. No streaming from YouTube, internet sites or bootleg copies).**

If you do not meet all of the above criteria, you are in violation of copyright law.

Misconceptions about Copyright Infringement

It’s okay to show an unlicensed film because...

...the FBI never really “busts” universities for showing a movie without licensing.

The Motion Picture Association of America (MPAA) and its member companies are dedicated to stopping film and video piracy in all its forms, including unauthorized public performances and illegal downloading or copying of films. The motion picture companies can go to court to ensure their copyrights are not violated. There are also audits conducted at random on college campuses by licensing companies to investigate public performances of motion pictures. They check out websites, campus newspapers, calendars and postings by offices/departments/student organizations to see who is advertising showing a film and whether that film is legally licensed.

...I am an educator (instructor, professor) so therefore this is considered an education exemption.

Educators are only exempted from purchasing licensing for a feature film if the movie meets all of the following criteria:

- 1. The film is an “integral part of a class session” and is of “material assistance to the teaching content.”**
- 2. The film screening is supervised by a teacher in a classroom.**
- 3. The film screening is attended only by students enrolled in a registered class of an accredited nonprofit educational institution.**
- 4. The film must be lawfully made using a movie that has been legally produced and obtained through rental or purchase (ie. No streaming from YouTube, internet sites or bootlegs)**

If you do not meet all of the above criteria, you are in violation of copyright law.

...we're only showing it to a small number of students, such as the members of a club or the students in a specific major discipline.

Unfortunately clubs, student organizations or even students in an academic major do not meet the above criteria for an education exemption. Even if only to a small group of students, you are in violation of copyright law.

...as a club, we don't have enough funding to actually license the film.

Clubs have the opportunity to request an annual budget from the Student Government Association and can build in the amount for their film licensing to their annual request. SGA also offers Special Request Funding throughout the year for situations such as this, where a club has a new event or unexpected costs that arise from an event. Contact the SGA Financial Affairs Co-Chairs for more information at www.xavier.edu/sga.

In addition to SGA funding, student organizations are also eligible to apply for Co-Curricular Program Funding. For more information, visit www.xavier.edu/clubs and click on the "Forms" tab.

...I am exercising my academic freedom.

Academic Freedom protects your ability to teach content related to your course, but it does not supersede or protect instructors from violating copyright infringement. Your freedom to screen films that enhance the learning that takes place in your classroom must abide by the above criteria in order to meet an education exemption, specifically the third section – only enrolled members of your official class are able to participate in the screening.

...we're not charging admission to the movie. It's just for fun or giving students something to do on campus late at night.

While charging admission can play a role in the cost to license a film, free admission does not grant an exemption to the copyright laws. If a student organization is ultimately generating a profit (meaning the revenue from your screening is greater than the cost of the license), you are responsible for sharing profits with the licensing agency. Talk to your licensing agency if you intend to have a large audience and plan on charging admission.

What happens when I violate copyright?

Any of these groups who screen a film on campus may be contacted by university agents, such as the Office of Student Involvement, and asked to provide proof of licensing for an upcoming film screening. Failure to provide proof of legal licensing may result in a request to license the film through a college film licensing agency; failure to do so may result in the cancellation of the event. Repeated offenses and failure to comply may result in further actions, such as referral for individual students or student organizations to the university conduct process. Any offices or departments found in violation of copyright will be contacted directly to discuss the violation and the policy. Repeated offenses and failure to comply will result in notification sent to their respective department or college.

Organizations, departments and offices who are in violation of copyright and discovered through a copyright audit by a licensing agency or by the MPAA are subject to fines or litigation and the venue may be restricted from licensing films in the future.

The goal with enforcing copyright law, aside from abiding by a federal law, is to inform and educate the campus about the policies and rules surrounding motion picture copyright infringement.

Know Before You Show!

Frequently Used College Licensing Agencies:

- | | | |
|--|---|----------------|
| • Swank Motion Pictures
Xavier's Campus Agent: | www.swank.com/college
Gabbi McMahon (gmcmahon@swankmp.com) | 1-800-876-5577 |
| • Criterion Pictures USA
Xavier's Campus Agent: | http://www.criterionpicusa.com/
Brian Block (brian@criterionpicusa.com) | 1-800-890-9494 |
| • New Yorker Films | http://www.newyorkerfilms.com/
nontheatrical@newyorkerfilms.com | 1-212-645-4600 |