

Motion Picture Copyright Policy

Reason for Policy

The motion picture copyright policy exists to explain and simplify the Federal Copyright Act for audiences on Xavier University campus that may be trying to screen or stream a motion picture as part of an event or activity for their group or organization.

Scope of Policy

The following policy outlines the information that student organizations and other groups need to know about complying with and violating copyright laws.

Policy

Student organizations are expected to follow the Federal Copyright Act when screening or streaming a motion picture. Student organizations are required to submit a request approval via the EngageXU Event Form by checking "Movie or Film Screening" on the form and completing additional questions related to the title and its licensing.

Definitions

A motion picture may include a feature film, documentary, tv episode, other streaming content, or content rented or purchased via streaming app (such as iTunes) or DVD/Blu Ray disc.

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, purchasing, or streaming from an app often does not carry the rights to show the film outside of your own home. The law offers an "Educational Exemption," known as "Fair Use." Fair Use, limited to the education component of the university is a balancing test and very fact specific (see Criteria for Consideration).

Procedure

The Office of Student Involvement manages the approval process for student organization events. Student organizations must have official University recognition and be in good standing. When submitting an event in EngageXU, the organization will be prompted to complete the Event Form. Within the Movie or Film Screening section, groups will indicate the title, whether the title requires a license or approval to screen, and if/how that licensing has been requested or received. Upon submission, the event must also be approved by the student organization advisor.

Student organizations are encouraged to complete event requests at least two weeks prior to the event to ensure title available and licensing requirements are satisfied. If licensing is required, the license must be acquired prior to the screening.

Approval Confirmation

Approval confirmations or rejections will be emailed via EngageXU following verification by the Office of Student Involvement. Organizations should not move forward with the event until they receive an approval confirmation. The Office of Student Involvement reserves the right to change and/or cancel an event at any time. For questions regarding this policy and the reservation procedures, contact the Office of Student Involvement at xuinvolverment@xavier.edu.

Criteria for Consideration

Fair Use

Below is a table created by the Xavier University Library to help users determine whether Fair Use can be applied to copyrighted material. Interpretation of the Fair Use Doctrine rests with the user of copyrighted works. Standards of educational fair use are not definitively outlined in the law. Please review the below factors. If you are uncertain about whether your proposed use is "Fair Use," you may contact the Xavier University Library to discuss with one of our librarians. If it is not Fair Use, Xavier Librarians may also be able to assist with assessing whether Xavier has the movie in a format that you can use.

Factor	Favoring Fair Use	Opposing Fair Use
Purpose & character of the use	Nonprofit institution, Education & teaching, Research or scholarship, Criticism or comment, News reporting, Transformative or productive use, Personal, Parody	For-profit institution, Commerical, Entertainment, Bad faith behavior is involved, Denying credit to the original author
Nature of the work	Published, Factual or non-fiction, Use important to instructional objectives	Unpublished, Highly creative, imaginative work (artwork, graphics, music, novels, plays, commercial movies), Fiction

Amount used & substantiality of the portion use (portion used in relation to the whole)	Small quantity used, Portion used is not central to the work (not the "heart of the work"), Amount used is appropriate for educational purposes	A large portion or the entire work is used, The portion used is central to the work or it is the "heart of the work"
Effect of the use on the market	User owns a lawfully acquired or purchased copy of the work, One or a few copies are made, Use has no significant effect on the market or potential market of the work, There is no similar product marketed by the copyright holders, There is no licensing mechanism	Use could replace the sale of the work, Use impairs the market or potential market for the work, There is a licensing mechanism or affordable permission available for the work, Numerous copies are made, Work is made available via the internet, There is repeated or long-term use

Charging Admission

In most instances of screening motion pictures, charging admission is not advised. Fair Use does not apply when there is financial gain through screening a title. Additionally, most licensing fees are based on screening a title for free and, when admission is charged, the licensing fee is often increased since there is opportunity for financial gain.

Explicit Content

Films with explicit content should not be screened in an open, public space, such as the GSC Atrium or Xavier Yard, where there could be individuals who cannot opt-out from hearing or seeing the content. Films with graphic language, violence, or sexual content (i.e., films with an R rating) should only be screened within a reserved space such as a classroom or other event space that can be closed off from passersby. Content that is unrated should be screened with caution. Content rated NC-17 or X is not appropriate for a Xavier University event.

Licensing Content

There are many ways to get a license or permission to use a motion picture.

Swank Motion Pictures is a licensing agency that represents most major studios and has many titles available for feature films. Licensing with Swank ranges in price depending on how new or recent the title has been available or how in-demand the title is for a certain time of year.

Criterion Pic USA is another licensing agency that represents some titles not offered with Swank, mostly Fox studios.

Kanopy is a streaming service, provided by Xavier Library, that has a blanket license for all their titles to be able to show on campus with events and within courses. To browse titles or stream Kanopy, visit <https://xavier.kanopy.com> and login with your Xavier credentials.

Netflix permits fair use for the streaming of any Netflix original documentaries through their site. All other content is prohibited for public use – meaning showing the title outside of your own home.

Promotion

Promotions for an event with a motion picture should include the title of the feature and (if rated) the rating for the film. This includes print materials, social media graphics, and the event created in EngageXU. It is recommended that for any features Rated R or MA that the organization includes a brief description of why the title received that rating (i.e., graphic violence, adult language) so attendees can determine if they want to participate.

Violations of Policy

Violation of this policy may result in the following actions taken singularly or in combination:

- Immediate termination of the event
- Payment for any labor, repair, or replacement costs incurred because of the violation
- A fine levied against offices, organizations, faculty/staff, or students who violate this policy
- Referral to other campus offices as deemed appropriate
- Alleged violations may be referred to the Dean of Students, Vice President for Student Affairs, and/or designee.

Policy Review and Amendment

This policy is subject to annual review and amendment. When conditions warrant, a review committee may be called together to develop recommendations.