*Showing Movies on Campus: Copyright Requirements*

The following is from the [Motion Picture Licensing Corporation](http://www.mplc.com/) (www.mplc.com) and contains specific language concerning copyrighted videocassettes and DVDs.

Pre-recorded home videocassettes and DVDs ("Videos") that are available for rental or purchase include the right to exhibit the movie for **home use only**.

These motion pictures do not include a license for showing outside one's home.

If you wish to show movies for any other use or in any other place, you must have a **separate** license which specifically authorizes such use.

These rules are detailed in the federal Copyright Act, as amended, [Title 17 of the United States Code](http://www.copyright.gov/title17/92chap1.html)(www.copyright.gov/title17/92chap1.html). According to The Copyright Act, only the copyright owner holds the exclusive right, among others, "to perform the copyrighted work publicly." ([Section 106](http://www.copyright.gov/title17/)) (http://www.copyright.gov/title17/)

In summary, the Copyright Act mandates:
The rental or purchase of a Video does not bear the right "to perform the copyrighted work publicly." ([Section 202](http://www.copyright.gov/title17/92chap2.html#202)) (www.copyright.gov/title17/92chap2.html#202) Videos may be shown without a SEPARATE license in the home to "a normal circle of family and its social acquaintances" ([Section 101](http://www.copyright.gov/title17/92chap1.html#101)) (www.copyright.gov/title17/92chap1.html#101) because such showings are not considered "public."

Videos may be shown without a license for non-profit educational purposes and in certain narrowly defined "face-to-face teaching activities" because the law provides limited exceptions for such showings. ([Section 110](http://www.copyright.gov/title17/92chap1.html#110))(www.copyright.gov/title17/92chap1.html#110.

All other public performances of Videos are illegal unless they have been authorized by license. Even "performances in 'semipublic' places such as clubs, lodges, factories, summer camps and schools are 'public performances' subject to copyright control." (Senate Reprt No. 94-473, page 60; House Report No. 94-1476, page 64).

Both for-profit organizations and non-profit institutions must secure a license to show Videos, regardless of whether an admission fee is charged. (Senate Report No. 94-473, page 59; House Report No. 94-1476, page 62)

A party is liable for contributory infringement when it, with knowledge of the infringing activity, contributes to the infringing conduct of another.

Proprietors of a social establishment are vicariously liable for infringement committed by an independent contractor. Vicarious liability arises where a party has "the right and ability to supervise the infringing activity and also has a direct financial interest in such activities." *Gershwin Publishing Corp. Vs. Columbia Artists Management, Inc.,* 443 F.2d1159, 1161 (2d Cir. 1971). Both the property owner and exhibitor must make sure a license is in place before a Video is shown by either party.

Non-compliance with The Copyright Act is considered infringement and carries steep and significant penalties.

Such exhibitions are federal crimes and subject to a $150,000 penalty per exhibition ([Section 506](http://www.copyright.gov/title17/92chap5.html#506)) (www.copyright.gov/title17/92chap5.html#506). In addition, even inadvertent infringers are subject to substantial civil damages ($750 to $30,000 for each illegal showing) and other penalties. ([Sections 502-505](http://www.copyright.gov/title17/92chap5.html#502)) (www.copyright.gov/title17/92chap5.html#502)

Information adapted from Wright University at <http://www.wright.edu/ctl/policies/misc/show_movie.html>