



Public Viewing of Movies/Films

Public Performance Rights

Those wishing to buy, rent, or borrow a DVD or videotape of a movie or show other types of media that are copyrighted must produce documentation that a public performance license has been obtained.

What are Public Performance Rights?

Section 101 of the copyright law says that a performance is public if it is in a public place or if it is in any place if "a substantial number of persons outside of a normal circle of a family and its acquaintances" is gathered there. Virtually every auditorium, classroom, meeting room, and residence hall lounge on the campus is to be considered a public place, so screening a video there is considered a public performance.

When are Public Performance Rights necessary?

It is a public performance, and therefore a public performance license is required if any of the following apply:

- Any movies before 1923 are except for PPR Rights. All movies after 1923 are required to have PPR rights.
- You will be showing the movie to people other than members of your family or a small group of your friends.
- You will be showing the movie in a place that is open to people other than members of your family or a small group of your friends (for example, a classroom, auditorium, or theatre, whether or not any such people attend.
- Please note most showings outside of the class context will require licenses.

Examples of public performances include:

- Showing a film in residence hall or student union lounge to a large group of acquaintances
- Showing a film during a club or organization meeting advertise the screening (on social media, in the campus newspaper, via posters, etc.).
- A film series or lecture that is open to the public
- Showing a film in the classroom for curriculum-related purposes, but inviting others outside the class to attend.

Non-public performances and are exempt from Public Viewing Rights include:

- You will be showing the movie in the course of "face-to-face teaching activities" that will take place in a classroom or similar place devoted to instruction, the movie performance is noted in an official course syllabus, and you have a legitimate copy of the movie
- Your copy of the movie came with an express license authorizing the particular manner of showing (e.g. PBS).
- The movie you wish to show is in the "public domain". Determining whether a particular movie is in the public domain can be quite difficult, and even movies that are quite old can still be protected by copyright.

Copyright Laws

- Copyright law does not permit public performance of a movie unless one of these exceptions applies or public performance rights are obtained.
- There is no general “educational”, “nonprofit”, or “free of charge” exception. This means that most movie showings outside the context of face-to-face classroom teaching will require you to have PPR.
- No admission fee may be charged for a movie showing nor may the movie showing be publicized to the general campus unless public performance rights have been secured.

The Law**

The Federal Copyright Act (Title 17 of the U.S. Code) governs how copyrighted materials, such as movies, may be used. Neither the rental nor the purchase of a copy of a copyrighted work carries with it the right to publicly exhibit the work. No additional license is required to privately view a movie or other copyrighted work with a few friends and family or in certain narrowly defined face-to-face teaching activities.

However, bars, restaurants, private clubs, prisons, lodges, factories, summer camps, public libraries, daycare 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.

For more information on Copyright Infringement, click [here](#).

Where can I find a list of films that Earlham owns which include PPR?

- You can find a list of titles in the Earlham collection that includes PPR by clicking the Public Performance Rights tab of this page (or link: <http://library.earlham.edu/dvds/ppr>)
- As new titles are purchased, they are added to this list.

Is there a cost to obtain PPR?

- Yes. For films that include PPR with purchase, the price of the film is usually much higher than that of a feature film. Obtaining PPR rights after purchase will include paying an additional fee.

If a film is available on Netflix or another online streaming website? Would that have the appropriate licenses?

- No. Netflix and other legal, online streaming websites such as YouTube do not have the appropriate public performance license attached. Streaming films assumes a private performance of the film, so you would not be permitted to show such a film publically.

I bought a VHS tape or DVD from a film distributor. Does it include Public Performance Rights?

- Most tapes are sold WITHOUT Public Performance Rights, but some tapes or DVDs are sold with limited Public Performance Rights. They may enable you to play the tape or DVD for its lifetime in public screenings on CWU’s campus. However, you may NOT copy the tape or DVD, lend it to other institutions or organizations, or charge admission for the screenings you hold with the tape or DVD. These rules may vary, so check carefully with each film’s distributor when purchasing a DVD or VHS of this kind to make sure you understand all applicable rules.



If you have questions about screening films on campus, copyright in relation to films, or Public Performance Rights, please consult Library Director or the website: <http://library.earlham.edu/dvds/screening>

Registered Student Organizations

Registered student organization events involving the showing of a movie must first speak to Earlham College Office of Student Life.

Proof of Public Performance Right licensure will be required before resisted student organization or department events are confirmed. Please email approved licensure to events@earlham.edu.

Questions?

Questions regarding this policy may be directed to the Earlham Office of Events in the lower level of Runyan Center at events@earlham.edu or 765-983-1373.