



## Other Sources For Information on Copyright

### **The Library of Congress, United States Copyright Office**

[www.copyright.gov](http://www.copyright.gov)

U.S. Copyright Office  
101 Independence Ave. S.E.  
Washington, D.C. 20559-6000  
(202) 707-3000

### **The Motion Picture Association of America (MPAA)**

[www.mpa.org](http://www.mpa.org)

Office of the Chairman and CEO  
Washington, DC  
1600 Eye St., NW  
Washington, DC 20006  
(202) 293-1966 (main)



### **SAINT LOUIS OFFICE**

**1-800-876-5577**

10795 Watson Road  
St. Louis, Missouri 63127

[www.swank.com](http://www.swank.com)

### **NEW YORK OFFICE**

**1-800-876-3344**

350 Vanderbilt Motor Parkway Suite 108-C  
Hauppauge, New York 11788-5122

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# FILM & VIDEO COPYRIGHT INFRINGEMENT

*What Your Facility  
Needs to Know About the  
Public Performance of Movies*



## What The Law Says

The Federal Copyright Act (Title 17, United States code, Public Law 94-553, 90 Stat. 2541) governs how copyrighted materials, such as movies, may be utilized publicly. Neither the rental nor the purchase or lending of a videocassette or DVD carries with it the right to exhibit such a movie publicly outside the home, unless the site where the video is used is properly licensed for copyright compliant exhibition.

This legal copyright compliance requirement applies to **colleges, universities, public schools, public libraries, daycare facilities, parks, recreation departments, summer camps, churches, private clubs, prisons, lodges, businesses, etc.** regardless of whether admission is charged, whether the institution is commercial or non-profit, or whether a federal, state or local agency is involved.

The movie studios who own copyrights, and their agents, are the only parties who are authorized to license sites such as **parks and recreation departments, businesses, museums, etc.** No other group or person has the right to exhibit or license exhibitions of copyrighted movies.

Furthermore, copyrighted movies borrowed from other sources such as public libraries, colleges, personal collections, etc. cannot be used legally for showings in colleges or universities or in any other site which is not properly licensed.

## Studios Swank Represents for Public Performance Licensing

Walt Disney Pictures	Lionsgate	Miramax Films
Warner Bros.	Focus Features	Sony Pictures
Columbia Pictures	United Artists	ThinkFilm
Paramount Pictures	Touchstone Pictures	Hollywood Pictures
DreamWorks Pictures	HBO	And several independent studios
NBC Universal	New Line Cinema	
Metro-Goldwyn Mayer (MGM)	Fine Line Features	

*(Formats available: 35mm, DVD, VHS)*

## Unauthorized Public Exhibition of Movies

The concept of “public performance” is central to copyright and is the main issue of protection for these intellectual properties. Most of the persons participating in movie productions depend upon royalties for a major portion of their payment for work performed.

Royalties are the shares paid to movie producers, script writers, authors, computer programmers, playwrights, musicians, inventors, etc. out of the proceeds resulting from the sale, performance or use of their work. If these men and women lose ownership of their work and do not receive royalty revenue, much of which is collected through licensing fees, there would be little incentive for them to continue to invest their time, research and development costs to create future endeavors. If this happens, they must then look to the U.S. Copyright Law for assistance. Consequently, if their intellectual creations are being used by others who are not paying compensation (royalty) for the use, copyright law may need to be enforced.

## Frequently Asked Questions

### What constitutes a public performance?

Any exhibition of a movie outside the privacy of a home setting is considered a public performance.

### Do we need a license even if we don't charge admission?

Yes! A license is required for all public performances regardless of whether admission is charged.

### What if a video store or equipment provider says it is okay to exhibit rented or purchased movies?

These stores rent and sell movies for “Home Use Only” and cannot provide legal permission for use outside the home. You can only obtain licensing directly from a licensor (such as Swank Motion Pictures, Inc.), not from a third party.

### Who bears the responsibility if a film is shown without a license?

The management of the venue or premises where the movie is shown bears the ultimate responsibility and consequences of copyright infringement. However, anyone involved with the public performance of copyrighted material should seek compliance.

### I own the movie. Do I still need a license to show it outside my home?

Yes! Neither the rental, purchase or lending of a videocassette or DVD carries with it the right to exhibit movies publicly outside the home.

### I want to show an old movie, from the 1930's or '40's. Do I still need a license?

Absolutely. Copyright pertains to all movies regardless of the year it was produced.

### A small group is having an informal gathering in our facility. Do we still need a license?

Yes! A license needs to be obtained regardless of the number of people attending the screening, if the movie is being shown outside the home.

## Those Who Violate Copyright Law Can be Prosecuted — Consult Your Legal Copyright Advisor or Attorney

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, illegal downloading, etc. The motion picture companies can go to court to ensure their copyrights are not violated.

To avoid the possibility of embarrassing publicity and fines, consult your legal copyright compliance advisor or attorney if you are uncertain about your responsibilities under copyright law.

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***Swank is the exclusive licensor for outdoor showings of all of the studios we represent.***