

## PTA MOVIE NIGHT AND COPYRIGHT LAW

The present copyright law establishes the principle that a copyright is property and no one can use someone else's property without permission of the owner or the owner's licensing agent. To protect this property right, the law gives the copyright owner the right to license any public performance of the work with only a few exceptions to this provision. The law also permits the owner or licensing agent to collect a fee when others use the protected work. It is because of copyright enforcement efforts that schools are now hearing of their obligations under the law.

By law, as well as by intent, the pre-recorded home videocassettes and videodiscs, which are available in stores throughout the United States, are *for home use only* - unless you have a license to show them elsewhere.

The Federal Copyright Act (Title 17 of the United States Code) governs how copyrighted materials, such as movies, may be used. Neither the rental nor purchase of a videocassette carries with it the right to show the tape outside of the home. No license is required to view a videotape inside the home by a family or social acquaintances, and home videocassettes may also be shown, without a license, in certain narrowly defined face-to-face teaching activities (Federal Copyright Act, Title 17, section 110.1). All other showings of the home videocassettes are *illegal unless they have been authorized by license*.

Taverns, restaurants, private clubs, prisons, lodges, factories, summer camps, public libraries, day-care 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 nonprofit, or whether a federal or state agency is involved.

Businesses, institutions, organizations, companies or individuals wishing to engage in non-home showings of home videocassettes *must* secure licenses to do so - *regardless* of whether an admission or other fee is charged (Section 501). This legal requirement applies *equally* to profit-making organizations and nonprofit institutions (Senate Report No. 94-473, page 59; House Report No. 94- 1476, page 62).

**Penalties for Copyright Infringement** ~ "Willful" infringement done for purposes of commercial or financial gain is a federal crime and is punishable as a felony, carrying a maximum sentence of up to five years in jail and/or a \$150,000 fine. Even inadvertent infringers are subject to substantial civil damages, ranging from \$500 to \$20,000 for each illegal showing.

**Face-to-Face Teaching** ~ The face-to-face teaching exemption is valid only in situations where a teacher is present in a classroom, using a home videocassette for the purpose of teaching to students in a so-called "face-to-face" manner. This educational exemption is narrowly defined and only applies to full-time, nonprofit academic institutions.

**Why Is Hollywood Concerned About Such Performances?** ~ The concept of "public performance" is central to copyright and the issue of protection for "intellectual property." If a movie producer, an author, a computer programmer, or a musician does not retain ownership of his or her "work", there would be little incentive for them to continue. There would be little chance of recouping their enormous investment in research and development, much less profits to turn back into future endeavors.

Unauthorized public performances in the U.S. are estimated to rob the movie industry of between \$1.5- \$2.0 million each year alone. Unfortunately, unauthorized public performances are just the tip of the iceberg. The movie studios lose over \$150 million annually due to pirated videotapes and several hundred million more dollars because of illegal satellite and cable TV receptions.

Motion Picture Association: <http://www.mpaa.org/>

Library: <http://www.movlic.com/library/faq/faq.html/>

United States Copyright Office: <http://www.copyright.gov/>