

SWANK
MOTION PICTURES, INC.

What is a “public performance?”

For movies, a “public performance” takes place anytime a movie is shown outside of a home.

What does the law say?

The rental, purchase or download of a movie, as well as access to a streaming subscription, does not grant the right to exhibit it publicly outside the home, unless the screening is properly licensed.

This legal copyright compliance requirement applies to everyone, regardless of whether admission is charged, whether the institution is commercial or nonprofit or whether a federal, state or local agency is involved. Colleges and universities must properly license movies to show them publicly.

Movie studios own the copyrights to the movies they produce, and their agents are the only parties authorized to license sites like colleges and universities. Copyrighted movies borrowed from other sources, such as public libraries, college libraries or personal collections, cannot be used legally for showings without proper licensing.

Why should I obey copyright law?

Violating copyright law through unauthorized use of a movie:

- Could result in expensive fines and negative publicity.
- Prevents those who worked hard on a film from receiving just compensation.
- Essentially steals motivation to create from authors, computer programmers, playwrights, musicians, inventors, movie producers and more.

Who can provide me with proper licensing?

Only Swank can provide you public performance licenses on behalf of the studios represented in this brochure.



The “Education Exemption”

Under the “Face-to-Face Teaching Exemption,” copyrighted movies may be exhibited without a license only if the college is an accredited, non-profit institution and the screening meets all the following criteria:

- A teacher or instructor is present, engaged in face-to-face teaching activities.
- The showing takes place in a classroom setting with only the enrolled students attending.
- The movie is used as an essential part of the core, required curriculum being taught. (The instructor should be able to show how the use of the motion picture contributes to the overall required course study and syllabus.)
- The movie being used is a legitimate copy, not taped from a legitimate copy or taped from TV.

*Those who violate copyright law can be prosecuted —
consult your legal copyright advisor or attorney.*

Frequently Asked Questions

Do I need a license if I'm showing the movie for educational purposes?

Yes! You need a license unless you meet all the educational exemption requirements noted.

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 DVD, streaming or equipment supplier says it is okay to exhibit a movie?

These suppliers 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 is responsible if a movie 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 could be implicated.

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

Yes! The rental, purchase, lending or download of a movie does not provide the right to exhibit it publicly outside the home, unless the screening is properly licensed. This includes streaming.

I want to show a movie that's been out on DVD for many years.

Do I still need a license?

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

If I purchased a license to show a movie, can I show that movie whenever I want?

No. Licenses are for a specific, designated time frame mutually agreed upon by the licensee and Swank Motion Pictures.

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.

Studios We Represent



NBCUniversal



LIONSGATE



NEON



RLJ | Entertainment, Inc.



IFCFilms



and many more!

Swank Motion Pictures provides both public performance licensing rights to numerous non-theatrical markets, including U.S. colleges and universities, worldwide cruise lines, K-12 public schools and libraries, and more.



For more information on *Copyright Law*

The Motion Picture Association (MPAA)

www.mpaa.org

Office of the Chairman and CEO
1600 I St., NW
Washington, DC 20006
(202) 293.1966

ALL231651

SWANK
MOTION PICTURES, INC.

1.800.876.5577 | swank.com/colleges