

We Want to Show a Movie: A Copyright and Fair Use Primer for Student Groups and Organizations

Commercial films, videotapes, and DVDs have copyrights that restrict the manner in which they can be shown. The standard used to determine whether permission is required from the copyright holder is most commonly referred to as "Fair Use".

The conditions that support Fair Use of video work and most likely do not require a license are: teaching, in the classroom and for a specific course; or personal, such as a "home" viewing which can include in a residence hall.

Uses that do not fall within fair use and require a license are entertainment, any "public"* viewing outside of the definition of "home" viewing such as the Student Union, Greek Theater or classroom outside of a course meeting. Any screening where an admission is charged (including a "home" screening) must have a license for public performance. Even with a public license you can only advertise to the Mills community unless express permission is received from the issuing organization to advertise to the public.

There are several ways to obtain a public performance license or right:

- Rent the film from a distributor. Student Activities has catalogs you can consult.
- Purchase a copy of the movie that comes with public performance rights.
- Get written public performance rights from the copyright holder. A letter from the company, filmmaker, producer, or director of the film is acceptable for this purpose. (A sample letter is provided on the back of this sheet.)

Upon receipt of a copy of the public performance permission or license Student Activities will approve screening events and publicity.

It is imperative that the Mills College community comply with these guidelines particularly with the focus on illegal use of copyrighted materials by the United States Department of Justice in the past few years. According to Hall Davidson an educational services and telecommunications expert " (sic), schools need to monitor and enforce fair use. If they don't, as the Los Angeles Unified School District found out in a six-figure settlement, they may find themselves on the losing end of a copyright question."**

Permission Letter Checklist:

- Letter contains all relevant information
- Letter is sent at least 6 weeks before event
- Two copies of the letter are sent
- Self-addressed stamped envelope was included

* The Copyright Act of 1976 defines "public" in this context as "any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered."

** "The Educators Guide to Copyright and Fair Use", October 2002, techLearning.com.

Model Permission Letter

Date

Return Address

Rights Holders name and address

Dear [Madam/Sir or Personal Name if Known]:

I am in the process of planning/creating [describe event or project]. I would like your permission to include the following material in this [event/project]:

[Citation with source information]

The [event/project] will be [describe the event/project including specific date, time, and number of screenings] and will be accessible by [describe intended audience].

If you do not control the copyright on all of the above mentioned material, I would appreciate any contact information you can give me regarding the proper rights holder(s), including current address(es). Otherwise, your permission confirms that you hold the right to grant the permission requested here.

I would greatly appreciate your consent to my request. If you require additional information, please do not hesitate to contact me. I can be reached at:

[your contact information]

A duplicate copy of this request has been provided for your records. If you agree with the terms as described above, please sign the release form below and send one copy with the self addressed envelope I have provided.

Sincerely,

[Signature]

[Typed Name]

Permission granted for the use of materials as described above:

Signature: _____

Name & Title: _____

Company/Affiliation: _____

Contact Info: _____

Date: _____

Format taken from <http://copyright.iupui.edu/pgeneral.htm>