



## Diocese of Springfield in Illinois

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Office for Human Resources



## Public Performance Law



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### 1. What law is it?

- A. The Federal Copyright Act (FCA) (Title 17 of the U.S. Code) governs how copyrighted materials, such as movies may be used.
- B. Neither the rental nor the purchase of a copy of a copyrighted work carries with it the right to publicly exhibit the work.
- C. According to the FCA a public performance is any screening of a videocassette, DVD, videodisc or film which occurs outside of the home, or at any place where people are gathered who are not family members, such as a school library, auditorium, and classroom or meeting room.
- D. The legal copyright compliance requirement applies to schools, public libraries, daycare facilities, parks, recreation departments, summer camps, churches, private clubs, prisons, lodges, businesses, bars, restaurants, summer camps, non-classroom use at schools and universities etc. are all examples of situations where a performance license must be obtained.
- E. The 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.

## 2. What is allowed:

Private showings in your home you can invite friends or family (“normal circle of family and social acquaintances”), to watch a movie or TV show no longer available on TV, you can buy or rent a DVD or Blue-ray disc and ask as many friends over to your home as you like to view. No additional license is required to view a movie or other copyrighted work with a few friends and family or in certain narrow face-to-face teaching activities.

## 3. What is not allowed:

Cannot take the same movie or TV episode and show it to patrons at a club or bar or in the school or classroom when it is not curriculum based (i.e., rainy day recess, any before or after school exhibitions, holiday parties, parent-teacher organization events, lectures or assemblies offered without course credit, movie “rewards” for students and any entertainment use on campus). Video use outside of school hours but for school purposes also requires a public performance license. Other instances that would require a public performance license would be church programs such as a faith formation class (parish school of religion) when the video is not related to the curriculum, church youth groups, clubs or organizations, etc. that show videos for entertainment or other purposes. That would be copyright infringement.

Why:



Movies or TV shows obtained through a brick-and-mortar or online store are licensed for your PRIVATE use; they are not licensed for exhibition to the public.

## 4. Educational exemption (Section 110 (1) of the U.S. Copyright Law)

The Educational Exemption, also called the “face-to-face teaching exemption”, is a precise activity which allows the legal use of movies in certain types of teaching. In order for a movie to be considered an “Educational Exemption,” all criteria must be met:

- A teacher or instructor is present.
- 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 demonstrate how the use of the motion picture contributes to the overall required course study and syllabus.)
- The moving being used is a legitimate copy, not tapped from a legitimate copy or taped from TV.

## 5. Legal Sanctions

“Willful” infringement of these rules concerning public performances for commercial or financial gain is a federal crime carrying a maximum sentence of up to five years in jail and/or a \$250,000 fine. Even inadvertent infringement is subject to substantial civil damages.

## 6. How does this affect Schools and PSR, Youth Group & Church Programs?

All non-curriculum based exhibitions of movies and other programs on school/church grounds require a public performance license.

Many vendors of educational videos/DVD’s sell institutional versions of titles that automatically come with public performance rights. All titles purchased from the following vendors are institutional versions that come with public performance rights.

## 7. Vendors that Sell Movies with Public Performance Rights

Many vendors of educational videos/DVDs sell institutional versions of titles that automatically come with public performance rights. All titles purchased from the following vendors are institutional versions that come with public performance rights:

- [Aims Multimedia](#) (formerly The Media Guild, a subsidiary of Discovery School)  
Phone: (800)-367-2467
- [Ambrose Video](#)  
Phone: (800) 526-4663  
E-Mail: [ambrosevideo.com](mailto:ambrosevideo.com)
- [Annenberg Media](#)  
Phone: 800-LEARNER  
E-Mail: [info@learener.org](mailto:info@learener.org)
- [Bullfrog Films, Inc.](#)  
Phone: (800) 543-FROG  
E-Mail: [video@bullfrogfilms.com](mailto:video@bullfrogfilms.com)
- [California Newsreel](#)  
Phone: (877) 811-7495  
E-mail: [contact@newsreel.org](mailto:contact@newsreel.org)
- [Cinema Guild](#)  
Phone: (800) 723-5522, (212) 685-6242  
E-Mail: [thecinemag@aol.com](mailto:thecinemag@aol.com)
- [Clearvue & SVE](#) (a subsidiary of Discovery School)  
Phone: (800) 253-2788 or 1-773-775-9433  
E-Mail: [clearvue\\_service@discovery.com](mailto:clearvue_service@discovery.com)

- [Direct Cinema Ltd.](#)  
Phone: (800) 525-0000, (310) 636-8200  
E-Mail: [info@directcinemalimited.com](mailto:info@directcinemalimited.com)
- [Discovery School](#) (a subsidiary of Discovery Education; also owns Aims Multimedia and Clearvue & SVE)  
Phone: (877) 900-8830  
E-mail: <http://www.customersupport.discovery.com/>
- [Docurama](#) (a subsidiary of New Video Group, Inc.)  
Phone: (800) 314-8822
- [Fanlight Productions](#)  
Phone: (800) 937-4113  
E-Mail: [info@fanlight.com](mailto:info@fanlight.com)
- [Films for the Humanities & Sciences](#)  
Phone: (800) 257-5126, (609) 275-1400  
E-mail: [custserv@filmsmediagroup.com](mailto:custserv@filmsmediagroup.com)
- [Frameline](#)  
Phone: (415) 703-8650 x305  
E-Mail: [distribution@frameline.org](mailto:distribution@frameline.org)
- Janus Films Collection Movies on Video
- [John D. and Catherine T. MacArthur Foundation's Library Video Classic Project](#)
- [Pyramid Media/Pyramid Films](#)
- [Schlessinger Media](#)  
Phone: (800) 843-3620  
E-mail: [lynn@libraryvideo.com](mailto:lynn@libraryvideo.com)
- [Weston Woods](#)  
Phone: (800) 243-5020
- [Women Make Movies](#)  
Phone: (212) 925-0606  
E-mail: [distdept@www.com](mailto:distdept@www.com)

Other vendors of educational materials not listed above may also offer public performance licensing, but you will need to contact them in order to verify. The Media Resources Center of the University of California at Berkeley has compiled a helpful list with their [Video Distributor Database](#).

## **8. How can the school/church purchase a public performance license?**

If a copyrighted movie is not licensed for public performance (i.e. it's licensed only for home use), the school/church will need to obtain permission from the copyright owner. There are two ways to do this:

- A. **Contact the copyright holder directly, or contact the distributor** if the distributor has the authority from the copyright owner to grant licenses, to purchase public performance rights or to request permission for a particular public performance use.
- B. **Contact the licensing service representing the particular studio or title** (particularly in the case of feature films). Services vary in the types of licensing offered and the scope of materials represented. See "[Vendors that Grant Public Performance Rights](#)" for more information.

## 9. Vendors that Grant Public Performance Rights for Copyrighted Movies

If you want to show a copyrighted film in a public setting, you will need to contact one of these licensing service companies to obtain permission.

### [Criterion Pictures USA, Inc.](#)

8238-40 Lehigh  
Morton Grove, IL 60053-2615  
1-800-890-9494 or 1-847-470-8164  
Fax: 1-847-470-8194  
Email: [greatmovies@media2.criterionpic.com](mailto:greatmovies@media2.criterionpic.com)

### [Kino International Corp.](#)

333 W. 39th Street, Ste. 503  
New York, N.Y. 10018  
1-800-562-3330 or 1-212-629-6880  
Fax: 1-212-714-0871  
Email: [contact@kino.com](mailto:contact@kino.com) or [filmrentals@kino.com](mailto:filmrentals@kino.com)

### [Milestone Film & Video](#)

P.O. Box 128  
Harrington Park, NJ 07640-0128  
1-800-603-1104 or 1-201-767-3117  
Fax: 1-201-767-3035  
Email: [info@milestonefilms.com](mailto:info@milestonefilms.com)

### [Modern Sound Pictures](#)

1-402-341-8476

### [Motion Picture Licensing Corporation \(MPLC\)](#)

5455 Centinela Avenue  
Los Angeles, CA 90066-6970  
1-800-462-8855 or 1-310-822-8855  
Fax 1-310-822-4440  
Email: [info@mplc.com](mailto:info@mplc.com)

### [Movie Licensing USA](#)

A division of Swank Motion Pictures, Inc.  
201 South Jefferson Avenue  
St. Louis, MO 63103-2579  
Schools: 1-877-321-1300

Libraries: 1-888-267-2658  
Other organizations: 1-800-876-5577  
Fax: 1-314-287-1748 (schools), 1-877-876-9873 (libraries)  
Email: [mail@movlic.com](mailto:mail@movlic.com) or [mail@swank.com](mailto:mail@swank.com)

**New Yorker Films**

16 West 61st Street  
New York, NY 10023  
1-877-247-6200 or 1-212-247-6110  
Fax: 1-212-307-7855  
Email: [info@newyorkerfilms.com](mailto:info@newyorkerfilms.com)

**Swank Motion Pictures, Inc.**

(800) 876-5577

**Christian Video Licensing International**

5455 Centinela Avenue  
Los Angeles, CA 90055-6970  
Telephone: (888) 302-6020  
FAX: (310) 822-0908  
Web: [www.cvil.org](http://www.cvil.org)