

© Guide | More about Movies - Copyright Questions and Practical Scenarios for Screening Films for Academic Programs, Dorms, and Announcing Screenings

This guide provides a framework for thinking about common questions related to screening films **outside the formal or traditional classroom** – copyright permits viewing a movie in class without an additional license or permission for legally acquired copies. Outside the classroom setting however, one needs to determine whether a screening is a ‘public performance’; if so, permission or a license may be appropriate. ‘Private’ viewings do not require a special license whereas most public performances require a license and perhaps a fee. There are exceptions to these requirements that are often relevant in the educational environment.

Many thanks to Jack Bernard, Assistant General Counsel, Office of the General Counsel, University of Michigan for providing the responses to these scenarios. The information presented here is intended for informational purposes and should not be construed as legal advice. If you have specific legal questions pertaining to the University of Michigan, please contact the [Office of the General Counsel](#).

This Guide looks at examples of movies being used outside the classroom rather than important exceptions to copyright relevant to classroom use. To learn more about copying, making clips, streaming for educational purposes see:

© Guide | Copyright, Teaching, and the Movies

<http://www.lib.umich.edu/files/services/copyright/Guide%20-%20Movies%20and%20Copyright.pdf>

If you need information on how to license a film for public performance, please see:

MLibrary Guide: Obtaining Copyright Permissions

<http://guides.lib.umich.edu/permissions>

The University of Michigan Library purchases and licenses many films, television programs, and other media for University of Michigan educational use. Please contact the Askwith Media Library staff (askwithmedia@umich.edu) for assistance in determining which films (typically documentaries and non-feature films) the library has purchased with public performance rights.

Academic Programs

I want to show a movie as part of an academic program (e.g., Michigan Community Scholars Program or Residential College). I would like to screen and advertise a film to all the students in my academic program for academic, educational, or intellectual purposes, but not for a class. Do I need to obtain a copyright license?

Copyright law gives copyright holders the right to authorize public performances of their works. The more similar to a classroom use, the less likely the need for an additional license. For instance having a panel before or after the screening, Q & A, recommended reading or similar

teaching activity can help support a case for this kind of activity. That said, there is some risk with this approach. If a situation does not include face-to-face teaching, you cannot rely on §110(1) of the US Copyright Act, which authorizes the use of works in the classroom. Because this is not a part of distance education for a course, you cannot rely on §110(2), which addresses uses of works in distance education.

Can we borrow a film from Askwith and use it for the screening? Or are we required to purchase the copyright license and film on our own to screen the film?

If you can *show* a film without infringing, it is perfectly fine to use a library copy, your personal copy, or even a rented copy (though Netflix specifically prohibits this kind of use).

Say you are a student organization or are an academic program like the Michigan Community Scholars Program and Residential College and are co-sponsoring a film series. You may have to purchase a license (you can do this through procurement) to publicly perform a film. Some licenses provide a copy of the film, others let you use a film at your disposal.

What if an academic program wants to screen a particular movie as part of a film series? The Askwith Media library has a copy of the movie. May the academic program use that copy in their film series? Does the Askwith ownership of the copy cover the copyright license? The Ann Arbor District Library also owns the film. If we use their copy of the film, does that change anything?

Askwith only ‘owns’ the copy of the movie. Owning a copy is not the same thing as having a right to make a public performance. You will likely need to purchase the license to show the movie—but you will not need to purchase the film itself, unless the licensor makes purchasing the film a contingency of granting the license. The analysis is the same for a copy borrowed from the Ann Arbor District Library.

A university class linked to an academic program chooses to open up the class to all members of the academic program on the date a film is shown.

It would be fine to show the film only to people enrolled in the class rather than members of the public. It’s unlikely that there would be any problem if, say, a few members of the department stuck their heads in to the auditorium. However, if you advertised that anyone who wanted to watch the film could do so, it would more likely be deemed a public performance that falls outside the protections of §110(1) for some of the audience. You might be able to mitigate this risk by enabling all viewers to participate in the colloquy that follows.

A university class shows a film and students are encouraged to invite their friends to attend. This is informal, word of mouth with no advertising of the event.

The analysis is the same as immediately above, but the fact that there is no advertising diminishes the risk. That said, if the goal is to encourage broad attendance, it is simple to obtain the needed license. Contact the Askwith Media Library (askwithmedia@umich.edu) for assistance or to determine whether the library owns a copy that includes public performance rights.

Movies in Dorms

Students on a hallway of a residence hall decide to show a film in the floor lounge and advertise it to all floor members. Is that ok? What if students on a hallway of a residence hall decide to show a film in the floor lounge and advertise it to all floor members and their friends?

There is some debate on this point. But so far, all the evidence suggests that dorm lounges are likely to be deemed a place of public performance—unless a class is being conducted there. This means that a license would be appropriate in both situations.

Students advertise a "film screening" without saying the title of the film and letting people spread the title of the film through word of mouth if they want. ("Movie Night Tomorrow with free food!")

It all depends upon where the film is being shown. But advertising without saying what movie will be shown does not help. Maybe an announcement that says, "Come to my house/room/apartment tomorrow night at 8 for movies and munchies" would obviate the need for a license because the movie is being shown in a private location implicitly for a small number of people.

What about genre movie night where students bring movies and those in attendance vote on what to watch (i.e. "Rom-Com Movie Night! Bring your favorite romantic comedy movie and we'll vote on what to watch!")?

The location and context in which a movie is to be shown shapes the analysis. As above, a private residence (a residence hall room, not a lounge) would likely be fine, where a more public space would be more likely to require a license.

The result might differ if, say, the movie is shown in a living space that might arguably be private (such as an East Quad floor lounge) vs. classroom space (such as EQ Classroom 126). However, there are other copyright exceptions that apply to the use of movies in the classroom – and, of course, the Library purchases or licenses most movies used on campus for non-public performance uses.

Does the location of the film screening matter/is there a difference?

It can make a difference. But here the difference is more likely to depend on what activity is taking place there. A license typically is not needed for face-to-face teaching in a classroom setting. For more about screenings in residential hall settings, take a look at: <http://copyright.columbia.edu/copyright/2011/05/02/copyright-qa-movies-in-the-dormitory/>

Announcing Screenings

Would it be ok to allude to the movie to be shown without mentioning the name, like using tag lines or well known quotes from movie to advertise for it (i.e. putting "We could have been killed. Or worse, expelled!" on a flyer for a showing of Harry Potter, but not the movie title)? What if I

advertise with a memorable character from the movie or some sort of famous line (but not tag lines that are on the posters).

It's clever, but not using the name of the film in advertising will not exonerate infringement if a license is needed.

What about this: I want to watch a movie on the RHA movie channel OR a movie advertised on the movie channel but not at the same time (e.g. RHA has the rights to Iron Man, but it's not on Thursday at 8 when we students want to host an event. Can we watch it at a different time or do we have to watch it only at the time the RHA Movie Channel shows it?).

A private individual can record it and watch it later; but the fact that the University has licensed the right to show a movie on the RHA channel does not mean that we have a public performance license to show it - even at the same time - on a DVD in the lounge. Those are favorable facts, but still involve risk of infringement.

Students often say that movie nights are easy to plan and everyone loves them. How can we do this without getting the University in trouble?

Plan ahead and license public performances.

Borrowing from Askwith

Our academic program wants to screen a series of films with discussions led by a faculty member. The website for the films we are considering says that they can be shown for educational purposes if purchased and it provides a price for a college to purchase it. The Askwith Media Library has already purchased the film – the copy is in the library's collection. Can we assume that this means we can borrow the film from Askwith to advertise and show the film to a college student audience and that we have copyright license to do so?

Although it is likely that Askwith Media Library purchased a copy with public performance rights, it is best if you consult with them to make sure.

What copyright "rights" does Askwith Library hold with regard to licensing fees for showing films to audiences that are not classes?

Almost always, none. Askwith Media Library frequently purchases a *copy* that includes *public performance rights (PPR)*, especially in the case of documentaries and non-feature films. You may contact Askwith staff to determine whether the library's copy was purchased with PPR. If the library's copy includes PPR, then you may show the film outside of class as long as it is within a UM setting and you do not charge admission.

Is there any copyright "benefit" to borrowing a film from Askwith to show to a non-class audience rather than buying the film and purchasing the copyright license? Stated another way, if Askwith holds the copyright license, does that license cover film screenings for academic programs or even for non-academic student-run residence hall screenings?

It depends on the license terms for the specific purchase, but in general if Askwith buys a DVD with public performance rights it is typically for "the life of the media," or the life of the physical item. If Askwith purchased a copy of the film including public performance rights, then you may borrow the copy to show in an academic program or residence hall screening as long as it is within a UM setting and you do not charge admission. Please consult with Askwith staff to be certain the library's copy includes performance rights.

Do the copyright licenses for films at Askwith vary in terms of their copyright coverage? If so, how can we ascertain which films at Askwith hold what kinds of copyright protections?

Typically, the licenses do not vary significantly. But there may be some educational films that are sold at a discounted rate with some terms that actually limit what Askwith can do. It would be useful to speak with the Askwith about this. Askwith will know if some films in their collection have special constraints or permissions.

I have been unable to ascertain copyright information about a film. May I advertise and show such a film because no copyright information is available?

It depends upon how old the film is. But typically, you should assume that a film has protection, regardless of whether or not there is a copyright notice. We imagine that there may be a great many cases of older films that fit in this situation. Indeed, some older works may not even have copyright protections any longer. It's also not unusual to have difficulty in identifying a rightsholder for foreign films. Check with Askwith staff for help.

In the end, there are no easy answers.