

Scheduling film events at American University

Frequently Asked Questions:

1. I have shown films in the past. Is this a new policy?

The U.S. Copyright Act (Title 17 of the United States Code) was enacted in 1976. The university's new practices in enforcement of this law are not new policy, but instead an attempt to ensure that American University is compliant with this law.

2. Can I rent or purchase a film from Blockbuster, Hollywood Video, Netflix, et. al. and show it in campus meeting rooms, lounges, or classroom spaces?

No. Films, regardless of format, rented or purchased from stores or on-line services are almost always sold for 'home use only.' This means that neither the rental nor the purchase of films carries with it the right to show the film outside the home, with the lone exception being for "face-to-face teaching" described in #4 below. Therefore, a film needs to be rented from a company licensed to distribute it for theatrical exhibition or permission needs to be obtained from the copyright owner prior to publicly exhibiting the film.

3. Can I show films from my recorded personal collection in campus meeting rooms, lounges, or classroom spaces?

No. Aside from the copyright restrictions on home-use videotapes mentioned above, home recorded videotapes, DVDs, etc. are legal for personal home-use only, without exception.

4. Can we show films for educational/academic purposes?

Yes, there are four circumstances that are legitimate.

First, the video might have been sold with public-performance rights. This is the case with many, but definitely not all, documentaries. Almost no feature films are sold with public performance rights.

Second, if you have rented the film for performance from a licensed distributor or obtained written permission from the copyright holder.

Third, if the screening is restricted to students enrolled in a course there is a face-to-face teaching exemption to the copyright law. This exemption may be granted if the following conditions are met:

- a. The instructor is physically present in a classroom setting.
- b. The film is shown only to the students enrolled in that class.
- c. The relationship between the film/video and the course is explicit.

Films in any format, even in a "face-to-face" classroom setting, may not be used for entertainment or recreation, whatever the work's intellectual content.

Fourth, and least likely, is if the screening would be considered fair use under the criteria defined under the “Fair Use” exemption contained in the Copyright Act of 1976

To determine whether fair use applies to a specific circumstance, the user (American University, through University Event Scheduling or through AU Counsel’s Office) must analyze the intended use against four factors:

- a. **Purpose** and character of the use, including whether such use is commercial or non-commercial in nature – commercial purposes will weigh against fair use;
- b. **Nature** of the work, whether it is creative or informational – the more creative the work, the less likely this factor will weigh in favor of fair use;
- c. **Amount** and substantiality of the portion used in relation to the work as a whole – the more significant amount of the work, the less likely this factor will weigh in favor of fair use; and
- d. **Effect** of the use on the potential market for or value of the work.

U.S. Copyright Law Office summary of fair use: <http://www.copyright.gov/fls/fl102.html>

For event planners, it should be noted that fair use is not an easy or routine standard to reach. It is not a blanket exemption and each situation must be analyzed on a case by case basis. This is why **University Event Scheduling now requires a completed questionnaire with every space request concerning a film presentation.** The standard of fair use will be evaluated on a case-by-case basis according to answers given on the questionnaire.

5. Can we show home-use films if we hold a discussion afterwards?

No, unless the screening was incorporated in and restricted to a specific course.

6. What if the discussion is led by a faculty member?

Not by itself or for film presentations outside the curriculum. If the program is measured by the criteria under ‘fair use’, then this may weigh as one factor in favor of the exemption. Though each of the four factors must be weighed.

7. Can I show any film from the AU Library in a public showing?

Yes and no. The library does purchase public performance rights for many of its documentaries but its feature film collection is almost entirely sold with “home-use-only” rights. Contact the Media Librarian @x3257 for questions about rights to any films in the collection.

8. How do I obtain a license to show films publicly?

The simplest way is to rent from a theatrical distributor such as Swank.com.

9. How much does it cost to rent a film for a public screening?

The cost for a license from distribution companies for public viewing varies depending on:

- The age and release history of the film.
- The film's popularity at the time or in the rental market.
- The requested format.

Typically, a recent release of a commercial film which is no longer showing in area theatres can cost anywhere from \$500 to over \$1,000 per day for the license. Older films generally cost substantially less, but their status as 'cult' favorites may keep the license price high.

10. Are there alternatives to renting?

A letter of permission from the copyright owner may be substituted for proof of a license.