

Public Showing of a Film on Campus (rev. 7/2023)

Under federal law, the holder of a copyright for a movie has the exclusive right to control performances of that movie – including showings of a videotape or digital copy. An individual student, staff person, faculty member, or student organization that wants to show a film on campus must obtain permission for the showing from the copyright holder. Pre-recorded home videocassettes and DVDs that are available for personal rental or retail purchase provide the renter or buyer the right to exhibit the movie for home use only, and these movies cannot be shown in campus public spaces without first obtaining the film rights for public showings. Even personally-owned copies and “home use” versions of films obtained from video retailers are not cleared for public performance use because proper licensing fees to the copyright owners have not been paid for such use. This reflects federal law and is not just a Geneseo policy. The complete law on film copyrights is in the U.S. Copyright code, title 17, and may be found at www.copyright.gov/title17.

Netflix is not licensed for commercial use and therefore shows and movies on Netflix cannot be used for public showings.

There are three exceptions under Copyright Law:

1. **Educator's Performance Rights:** There is a clause in the U.S. Copyright Law which gives exemption to the law through the Educator's Performance Rights. ALL six of the qualifications below must be met in order to show a film using the Educator's Performance Rights.
 - a) Performances and displays of audiovisual works must be made from legitimate copies;
 - b) Performances and displays must be part of a systematic course of instruction and not for the entertainment, recreation, or cultural value of any part of the audience;
 - c) Performances and displays must be given by the instructors or pupils;
 - d) Performances and displays must be given in classrooms or other places devoted to instruction;
 - e) Performances and displays must be part of the teaching activities of non-profit educational institutions; and
 - f) Attendance is limited to the instructors, pupils, and guest lecturers.

Public Domain: There are some films which fall under “public domain” and are not subject to licensing. You can find a complete listing of such films at <https://www.fesfilms.com/>. Most of these films are pre-1950.

Netflix Educational Screenings of Documentaries: Some Netflix Original educational documentaries are available for one-time educational screenings. To find out which titles are available for educational screenings, go to the "Only On Netflix" section of <https://media.netflix.com/en/>.

2. **Short Clips:** Showing a short clip less than 15 seconds from any movie can be done without acquiring a license. Any clip longer than 15 seconds requires appropriate permission and licensing.

In short, students may show a lawfully obtained video (e.g. purchased from a store or borrowed from a library) to a small group of friends in his or her own residence hall room.

Faculty members may show a film for educational purposes only if the six conditions cited above are met.

In order to legally show a film in a campus public setting, a person must do one of the following:

1. Contact a motion picture distribution company such as Swank Motion Pictures (www.swank.com) or Criterion (www.criterionpicusa.com) and pay the appropriate fee to acquire the rights to show a particular film. The fee will vary depending on the film. Requests should be submitted at least 6 weeks in advance to ensure its availability in the desired format (DVD or VHS).
2. Find out who owns the rights to the film you wish to exhibit and contact them to request use of the film. You can find this information at www.imdb.com. Authorization to use the film must be obtained in writing.
3. Contact the Geneseo Campus Activities Board (Films & Forum) and collaborate with them to legally show the desired film as part of the Films & Forum movie schedule.

(Revised July, 2023)