

Frequently Asked Questions

About Copyright Compliancy in Exhibiting Copyrighted Major Movies in Public Libraries

What is a Public Performance Site License?

It is a site-based license that allows copyrighted entertainment movies that have been licensed for "Home Use Only" to be exhibited in a specific public setting, such as a public library, as part of the library's programming. For specific requirements, please reference The Copyright Act of 1976, Public Law No. 94-553, 90 stat 2591: Title 17; Section 110(i).

What constitutes a public performance of an entertainment movie?

Exhibitions of an entertainment movie to groups outside the privacy of a home setting are public showings. Most public performances of a videocassette or DVD in a public room (including library meeting rooms), whether or not a fee is charged, would be an infringement. Such performances require specific permission from the copyright owner.

What are "royalties"?

Royalties are the major way publishers, writers, composers, software developers, playwrights and movie production crews are paid for their work. The men and women who work for a production of computer software, music, motion pictures, etc., receive much of their compensation from royalties for their labor and skill, and many such royalties are collected through licensing fees.

How much does a Public Performance Site License cost, and what does it cover?

The annual cost is reasonable and is based upon the population served. It allows an unlimited number of exhibitions in the library of all the entertainment movies from **Walt Disney Pictures, Touchstone Pictures, Hollywood Pictures, Columbia Pictures, TriStar Pictures, Paramount Pictures, DreamWorks Pictures, Metro-Goldwyn-Mayer, United Artists, Sony Pictures, Miramax Films, Universal Pictures** and **Warner Bros.** With a Public Performance Site License from Movie Licensing USA, movies can be used anywhere inside your library, for as long as you are licensed. For pricing, call Movie Licensing USA toll-free at 1-888-267-2658 or email mail@movlic.com stating the number of your patrons or the population served.

We are buying entertainment movies from a catalog that states that the movies are licensed for showing in a public library. Is this accurate?

Absolutely not. No vendor selling entertainment videos or DVD movies has any such rights whatsoever to give to you. If you use any movies produced by any of the studios listed, you are violating the movie's copyright unless your library has a valid Public Performance Site License from Movie Licensing USA.

What if a video store says it is okay to publicly exhibit their rented or purchased entertainment movies?

These stores only rent or sell entertainment videocassettes and DVDs for home use and cannot provide legal permission outside the home. Ownership of the videocassette or DVD and the right to use it publicly are two separate issues. The copyright holder retains exclusive public performance rights. You can, for example, buy a videocassette of a movie, but you do not have the right to then provide it to an airline for use on a plane.

What if an outside organization that is using our library facilities wants to borrow movies to exhibit publicly?

If any outside organizations use your facility and want to show copyrighted major movies from the studios listed here, it is legally permitted **only** if your library itself has a Public Performance Site License and if the movie is shown inside the library building. Libraries without a Public Performance Site License should not permit outside organizations to involve them in copyright litigation or citation by permitting such movies to be used in their facility when the library itself has no legal license to do so.

We are often asked, by schools and churches especially, to lend them our movies for showings in their facilities. Is this okay?

Absolutely not. Both your library and the church or school borrowing the movie for public performance are violating U.S. Copyright Law, unless the site where the movie is shown has a license for such showings. Your library can be cited for lending your movies for public performance to unlicensed sites.

(Turn over please)

If I borrow entertainment movies from another public library which is licensed, and exhibit them in our library which is not licensed, am I using them legally?

Absolutely not. A public library cannot pass on copyright compliance to anyone, nor can anyone else except Movie Licensing USA or the studios themselves do so. If you borrow movies from a licensed public library for exhibiting in an unlicensed library, you are not only violating copyright law but you are also involving both parties in the non-compliance activity.

Are there limitations to this Public Performance Site License?

Yes. The Public Performance Site License does not permit the movies to be used where admission is charged, other than to cover the cost of your Annual Public Performance Site License, and does not permit advertisement of the movie titles to the general public. The movie must be shown inside the licensed building. In addition, libraries with a license may charge admission to raise money to cover the cost of the annual Public Performance Site License, but the monies collected may not exceed the cost of the license. In addition, the movies may not be altered, duplicated or transmitted electronically in any form without specific permission from the copyright owner.

Do we have to buy any movies from Movie Licensing USA?

No. We do not sell copies of movies; we are the Public Performance Site Licensing Agent for the studios listed.

How do libraries usually obtain funding for a Public Performance Site License?

Most libraries include a Public Performance Site License as part of their annual budgets. Other means of funding a License include money raised by Friends of the Library organizations or money obtained through grants. In addition, libraries with a license may charge admission to raise money to cover the cost of the annual Public Performance Site License.

Why is Movie Licensing USA appointed to issue these Public Performance Site Licenses?

Our parent company, Swank Motion Pictures, Inc., has been the exclusive non-theatrical licensed provider of most major Hollywood movies for motion picture rentals and licenses for nearly 70 years. Some of these markets are: schools, libraries, colleges, hospitals, cruise ships, correctional institutions, etc. Movie Licensing USA has been appointed by almost all major movie studios to provide Public Performance Site Licenses for the use of their movies.

I would like to inform others in my region about the availability of Public Performance Site Licensing. Is it okay to link your website with our website?

Yes. Many libraries have put the Movie Licensing USA website, www.movlic.com, as a link on their website for quick access for other libraries to receive information on Public Performance Site Licensing and copyright compliance.

Can you give us clearer advice on copyright law and public performance with videos?

No. We are not suggesting that you depend solely on our statements. If you want any legal question answered further or verified, by all means consult a copyright attorney.



To obtain a Public Performance Site License for your library, or for more information, contact:

Movie Licensing USA • 201 South Jefferson Avenue • St. Louis, Missouri 63103-2579
mail@movlic.com call toll-free 1-888-267-2658 www.movlic.com