

## **PTA Movie Event Licensing 101**

US Copyright law requires that PTAs acquire a license when showing movies in a public setting. A public setting is defined as any viewing outside of a private home setting. Non-profit status does not exempt PTAs from this requirement. Liability falls with the facility owner (PUSD) as well as the hosts (PTA, individual volunteers and our Association Members who approve any movie event), creating the possibility of criminal prosecution if licensing is not acquired.

Types of licenses:

1. Single indoor movie screening
2. Single outdoor movie screening
3. Umbrella license

### Single Indoor Movie Screening

A single indoor movie screening is an indoor-only movie event where the movie is shown only once. For example, a PTA Family Movie Night held in the school's Multipurpose Room or Gymnasium. This type of license does not cover outdoor movie showings no matter how small the crowd or if the event is open to the public, etc. Currently the fee for this type of license is \$100. Please note that services that rent the equipment for movie nights do NOT include licenses for the movie itself. Your unit is required to obtain the license and the actual DVD separately.

### Single Outdoor Movie Screening

A single outdoor movie screening is a different type of license with different fees. An example of this type of event is a PTA Family Movie Night held outside on school premises such as a blacktop or sports field. Rental companies such as Fun Flicks who bring the screen and equipment for a fee will confirm that the movie licensing is NOT included in their services and must be obtained by your unit PTA. The fees for this type of license vary, but generally range from \$200-550 or more per showing. Some licensing companies also prefer that you obtain the actual movie from them at an additional cost of around \$25 for round-trip shipping and handling. Others will permit you to purchase your own or borrow a copy of the DVD. Currently, the fee schedule is dependent upon the number of people you expect at your event, and whether or not you are charging admission for the event. 200 people or less, the movies run from \$150-350, with the

popular titles costing \$350. Some new releases may run \$400 at this tier. For events with 200-500 people in attendance, the fees jump to \$350-550 or more. I assume that there are higher tiers over 500 people, but I did not confirm this with the companies I spoke with. Even movies that are many years old but are still very popular will fetch the higher fees.

### Umbrella License

An umbrella license is for one movie to be shown as much as desired in an indoor setting over a year. The fees run upwards of \$1000 per movie for this. An example is a movie that can be shown in the school's Multipurpose Room during rainy days. There may be licenses that cover multiple movies, but I did not confirm this with any of the licensors.

### Charging Admission to the Event

All of the licensors state that you may charge admission to the event. You must pay the licensing company 50% of the proceeds or the movie rental fee, whichever is higher. For this reason, it is more advantageous for PTAs to charge only enough to cover their costs rather than try to make it a fundraiser. Movie nights are a great way to promote parent involvement, so finding other ways to cover the costs is best.

Ways that some PTAs offset their costs for movie nights include:

- Getting corporate/business sponsors and showing a slideshow of their logos or advertising for them before the movie
- Charging admission only to cover the costs of the movie license
- Selling concessions at the event
- Having an opportunity drawing for the DVD after the movie is over

Contact information for some of the licensing companies:

Swank Motion Pictures  
800-876-5577  
[www.swank.com](http://www.swank.com)

Criterion  
800-890-9494

[www.criterionpicusa.com](http://www.criterionpicusa.com)

Motion Picture Licensing Corporation (MPLC)

800-462-8855

[www.mplc.org](http://www.mplc.org)

Here are some FAQs from Swank Motion Pictures website. These explain in more detail the rules for movie licenses. Although this is from Swank MP, it generally applies to other licensing companies.

**What constitutes a public performance?**

Any exhibition of a movie outside the privacy of a home setting is considered a public performance.

**Do we need a license even if we don't charge admission?**

Yes! A license is required for all public performances regardless of whether admission is charged.

**What if a video store or equipment provider says it is okay to exhibit rented or purchased movies?**

These stores rent and sell movies for "home use only" and cannot provide legal permission for use outside the home. You can only obtain licensing directly from a licensor (such as Swank Motion Pictures, Inc.), not from a third party.

**Who bears the responsibility if a film is shown without a license?**

The management of the venue or premises where the movie is shown bears the ultimate responsibility and consequences of copyright infringement. However, anyone involved with the public performance of copyrighted material should seek compliance.

**I own the movie. Do I still need a license to show it outside my home?**

Yes. Neither the rental, purchase or lending of a videocassette or DVD carries with it the right to exhibit movies outside the home.

**I want to show an old movie, from the 1930's or 40's. Do I still need a license?**

Absolutely. Copyright pertains to all movies regardless of the year it was produced.

**A small group is having an informal gathering in our facility. Do we still need a license?**

Yes! A license needs to be obtained regardless of the number of people attending the screening, if the movie is being shown outside your home.

**Why is Swank Motion Pictures, Inc.® appointed to issue these Public Performance Licenses?**

Since 1937, Swank Motion Pictures, Inc. has been distributing Public Performance Licenses and exclusive licensed movies to non-theatrical markets including U.S. colleges and universities, hospitals, cruise ships, public schools, libraries, motor coaches, Amtrak trains and correctional facilities. Swank has been appointed by major film studios as their licensing agent to provide a Public Performance License for legal public performance of movies. The license fees compensate the copyright owners and the men and women who work on the film's production. These royalties are the way publishers, authors and composers are paid for their work.

**How many days can I show the movie?**

Prices are for a one-day rental. For each additional day shown, a fee of \$100 will be charged. If you charge admission, your movie rental rate is the flat rate versus 50% of your gate receipts, whichever is greater. Payment is due upon receipt of the invoice.

**What do I do if my show date changes?**

All show date changes must be made in writing and received by Swank Motion Pictures, Inc. ten (10) days before the film is shipped, or the full rental and handling charges must be paid.

**What are the restrictions of the license for my movie?**

Your order is for a limited license to exhibit only to the agreed upon time and place. Violation of this is subject to the penalties set forth in the Federal Copyright Act. No movie or any portion thereof may be copied or duplicated in any manner. Television, broadcasting or any type of electronic transmission of any Swank movie may only be done in extraordinary circumstances and must be pre-approved in writing by Swank and at different specified rates. Infraction of this violates the

Federal Copyright Statutes and carries a penalty of up to \$5,000. Hollywood studios reserve the right to reject showings of certain movies to potential crowds over 200.

**Are there any advertising restrictions?**

These motion pictures are specifically licensed for non-theatrical showings only. Advertising through media such as public radio, public television or general public newspaper is strictly prohibited. Advertising must be used exclusively to inform members or staff of movie showings via on-premises bulletin boards or direct mail.

**Can I plan a fundraiser with my movie?**

You may fund raise with any movie except for Walt Disney Pictures' feature-length movies, for which you may only charge admission to help defray the rental cost of the movie.

**What if my screening is affected by unforeseen circumstances?**

In the event of inclement weather, electrical problems, projector malfunction or other problems that prevent you from showing your film on your scheduled date, you have the option to show the film again within one year at no additional rental charge. Regardless of rescheduling, all invoices are due at the time of the original show date. Only freight will be charged for the rescheduled show date. Titles cannot be substituted for rescheduling. All advertising and admission policies still apply to the rescheduled show.

More helpful information from the Swank Motion Pictures website:

## Understanding Copyright



### **What the law says**

The Federal Copyright Act (Title 17, United States code, Public Law 94-553, 90 Stat. 2541) governs how copyrighted materials, such as movies, may be utilized publicly. Neither the rental nor the purchase or lending of a videocassette or DVD carries with it the right to exhibit such a movie publicly outside the home, unless the site where the video is used is properly licensed for copyright compliant exhibition.

This legal copyright compliance requirement applies to parks and recreation departments, colleges, universities, public schools, day care facilities, summer camps, churches, private clubs, prisons, lodges, businesses, etc. regardless of whether admission is charged, whether the institution is commercial or non-profit or whether a federal, state or local agency is involved.

The movie studios who own copyrights, and their agents, are the only parties who are authorized to license sites such as parks and recreation departments, businesses, museums, etc. No other group or person has the right to exhibit or license exhibitions of copyrighted movies.

Furthermore, copyrighted movies borrowed from other sources such as public libraries, college, personal collections, etc. cannot be used legally for showing in colleges or universities or in any other site which is not properly licensed.

## **Unauthorized Public Exhibition of Movies**

The concept of “public performance” is central to copyright and is the main issue of protection for these intellectual properties. Most of the persons participating in movie productions depend upon royalties for a major portion of their payment for work performed.

Royalties are the shares paid to movie producers, script writers, authors, computer programmers, playwrights, musicians, inventors, etc. out of the proceeds resulting from the sale, performance or use of their work. If these men and women lose ownership of their work and do not receive royalty revenue, much of which is collected through licensing fees, there will be little incentive for them to continue to invest their time, research and development costs to create future endeavors. If this happens, they must then look to the U.S. Copyright Law for assistance. Consequently, if their intellectual creations are being used by others who are not paying compensation (royalty) for the use, copyright law may need to be enforced.