

## Media Playback Copyright Policies and Procedures

### **Movies & Film**

In accordance with the Federal Copyright Act, any public showing of copyrighted materials such as movies or documentaries must be licensed for copyright-compliant showings. This regulation requires Southern Seminary to purchase a license for copyrighted material that is shown in a public manner.

Copyright law defines a public performance as occurring in “A place open to the public or any place where a substantial number of persons outside of a normal circle of a family or its social acquaintances are gathered.” Any movie or documentary that is covered by Federal Copyright Law that is shown by Southern Seminary or one of its guests in a public manner must purchase a performance license.

All movie licensing is handled by Swank Motion Pictures, who is the sole licensing firm for motion pictures for College Campuses. The Office of Event Media at Southern Seminary has an account with Swank Motion Pictures, and handles the procurement of performance licenses for SBTS events. The requesting office, department, or individual will be responsible for any and all licensing fees related to the purchase of a public performance license.

### **Common Questions to Movie Licensing**

#### **I am not charging Admission, do I need a license?**

Yes. A license is required for any showing regardless of the presence of admission. Additionally, if admission is to be collected, this must be communicated to our licensing firm prior to the event.

#### **I am not advertising for my event, do I need a license?**

Yes. A license is required for any showing regardless of advertising efforts. You are encouraged to advertise to maximize the value of your event.

#### **Can I show a movie that I purchased without a license?**

No. Purchasing a movie in the form of a Blu-Ray, DVD, Digital Download, or other format does not negate the need for a license, nor does it give you any rights to exhibit the film outside of your home.

#### **Do I need a license if I show a movie from a computer, Apple TV, or other streaming device?**

Yes, a performance license is required even if the movie or film is being shown from a streaming device such as a computer, mobile device, Apple TV, or any other streaming service. As well, using a subscription service such as Netflix or Hulu does not negate the necessity of a performance license.

**Can a yearly license be purchased so that movies can be shown at any time?**

No. Federal Copyright regulations and the Motion Picture Association of America (MPAA) do not have a blanket or yearly license available for college campuses. Additionally, movie licenses are date-specific, and a time and date must be specified at the time of booking. Any changes to the showing date must be communicated to, and approved by, Swank Motion Pictures.

**A small group of people want to have an informal, unplanned movie showing. Is a license needed?**

Yes. A license is required for any showing regardless of the size or spontaneity of an event. Individuals desiring to show a movie in a public area are required to purchase a license and obtain approval for the showing from Swank Motion Pictures.

**Can I show any movie as long as I purchase a license?**

No. While most movie titles selected are available for licensing, Swank Motion Pictures complies with any requests from the MPAA or the license holders of movie titles to restrict public movie showings. Examples of such occurrences would be around the anniversary of a film, during a re-showing of a film in theaters, or while a title is in the Disney Vault. Due to this reality, licensing should be obtained before advertising for an event or viewing.

**An external guest or client of SBTS is showing a movie, is a license required?**

Yes. A license is required for any showing SBTS property regardless of the individual or client's affiliation with the Seminary. Additionally, the individual and the Seminary are responsible for any legal or financial liabilities due to improper movie showings on SBTS property.

**What is the process of obtaining a license and showing a movie?**

Any department, office, or individual desiring to show a movie, film, or documentary on campus is required to communicate that to the Office of Event Productions in the event planning process as well as possible title choices for the showing. The Office of Event Productions or the requesting individual will contact the Office of Event Media with the date, time, and title options for the showing. SBTS departments and offices will also need to provide an account number for the licensing expenses. Event Media will then contact Swank Motion Pictures to obtain pricing and availability for the titles and return that information to the requesting individual. After selecting a title, Event Media will confirm the choice with Swank Motion Pictures. The week of the event, Swank Motion Pictures will mail Event Media a DVD to use for the showing. Event Media will coordinate the playback and return mailing of the DVD, and will bill the requesting individual for the movie license.

**How much does it cost for a license?**

License pricing varies based on the age of a movie, date of showing, demand of movie, license holder, estimated attendance, and many other factors. The average cost of license is \$250 - \$400. Package rates are often available from Swank Motion Pictures that provide discounts if multiple movies are booked in one semester.

**What is the approval process for movie and film titles?**

All movie, film, sports, or television titles that are requested to be shown must be submit for approval to the Office of Event Productions during the event planning process.

## **What if the film is being shown for educational purposes?**

There is one exception to copyright licensing for the times when films are being shown for educational purposes. This only includes:

[the] performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made under this title, and that the person responsible for the performance knew or had reason to believe was not lawfully made ....

This means that no license from the copyright holder is required when a teacher at a public school or non-profit educational institution uses a lawfully purchased or rented copy of a movie in classroom instruction. It doesn't matter who purchased or rented the film, so long as it was legally obtained. The exemption is granted for "face-to-face" teaching activities only. This means that the teacher (or a substitute teacher) must be present. The exemption covers a "classroom or similar place devoted to instruction." This gives teachers some flexibility. For example, it is likely that a gymnasium used for large educational presentations in which several classes are convened together would be covered so long as a teacher presented the film. Note that remotely accessing a film from a central memory storage facility is probably not permitted. See 17 U.S.C. § 1201(a).

This situation only applies when a professor from Southern Seminary or Boyce College is the facilitator of the event and is present for the entire showing of the film or film clip. For any questions as to whether this applies to a specific event, call the Office of Event Productions and 502-897-4072 or the Office of Event Media at 502-897-4176.

## **Television & Sports**

Via our agreement with College Cable, Southern Seminary and Boyce College are permitted to view programming provided through College Cable without any added fees or copyright restrictions. Southern Seminary and Boyce College are authorized to advertise for any event that will utilize the services and conditions granted by the terms and agreement between Southern Seminary, Boyce College, and College Cable.

Based on the terms of agreement and understanding between these entities, Southern Seminary and Boyce College are restricted from charging for any event that may use the services provided by College Cable. Further, College Cable does not provide Southern Seminary or Boyce College with any login information that allows them to watch events online that require access via a specific cable provider username and password.

### **What about the Super Bowl?**

Since the "Super Bowl" is a registered trademark owned by the National Football League, any promotional announcements or commercials should avoid the use of the trademarked term. It is appropriate to promote a live viewing event of the Super Bowl, but it must refer to it as the "Big Game" or any other term that does not use the words "Super Bowl" or "Super Sunday."

Any live viewing of the Super Bowl will not violate any copyright enforced by the NFL as long as the entity hosting the event does not charge admission to see the game. However, charging for food and drinks is permitted at the live viewing event.

### **What about the NCAA Tournament?**

Since the words “NCAA”, “March Madness”, and “Final Four” are registered trademarks they may not be used in any promotional or advertising announcements for a live viewing event of any NCAA officially sponsored event. The words “March” and “Madness” may be used, but must be separated by another word.

Therefore, any live viewing of NCAA Sponsored Events will not violate any copyright enforced by the NCAA as long as the entity hosting the event does not charge admission to see the game.

## **Music**

Music playback rights are covered under Federal Copyright laws similarly to films and movies. Licenses must be purchased for the public playback of recorded, copyright protected music. Due to the nature of musical playback, licensing is not done on the basis of individual song playback, but it is done on a yearly basis for the SBTS Campus.

The Office of Event Media purchases yearly playback licenses through the following music licensing firms: Broadcast Music, Inc. (BMI), The American Society of Composers, Authors and Publishers (ASCAP), and The Society of European Stage Authors and Composers (SESAC). These licenses provide license coverage with the three performance rights organizations in the United States. Additionally, the Department of Biblical Worship purchases annual license coverage through Christian Copyright Licensing International (CCLI) for the license coverage of worship lyrics, sheet music, and musical chord charts.

Southern Seminary and Boyce College are thus licensed for the playback of recorded music for house music, background music in retail shops, restaurants, cafeterias, and other venues where recorded music might be played without any additional action required of the shop or venue.

## **Resources**

Swank Motion Pictures: <http://colleges.swankmp.com>

Swank Motion Pictures Film and Video Copyright Info:  
<http://colleges.swankmp.com/Media/College/PDF/SwankCopyright.pdf>

Swank Motion Pictures Copyright FAQ's: <http://colleges.swankmp.com/faq>

NCAA Media Policies: <http://www.ncaa.com/media>

Super Bowl Information: <http://www.broadcastlawblog.com/2012/01/articles/is-super-bowl-protected-by-trademark-or-copyright-law-try-both/>

Sporting Event Advertising Guidelines: <http://adportal.reviewjournal.com/creative-services/legal-guidelines/>

Broadcast Music, Inc. Repertoire: <http://repertoire.bmi.com/startpage.asp>

The American Society of Composers, Authors and Publishers Repertoire:  
<https://www.ascap.com/Home/ace-title-search/index.aspx>

The Society of European Stage Authors and Composers Repertoire:  
<https://www.sesac.com/Repertory/Terms.aspx>

Christian Copyright Licensing International: <http://us.ccli.com>

Updated: January 2017