



INFORMATION SHEET

G031v15

VIDEOS, FILMS & DVDS: SCREENING IN PUBLIC

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This information sheet gives a brief overview of copyright law as it relates to the public screening of videos, films and DVDs.

Common situations where permission might be necessary include where videos are screened in motels, pubs, clubs, restaurants, cafes, shopping centres and nightclubs, as well as in cinemas. Permission will also be necessary where a non-profit organisation such as a club, a church or a sporting organisation wants to screen a film or DVD (for example, as a fund-raiser or group activity). However, a special exception applies to screenings in class which are not for profit: see our information sheet *Videos, DVDs and films: screening in class* at www.copyright.org.au/film.

The purpose of this information sheet is to give general introductory information about copyright. If you need to know about how the law applies in a particular situation, please get advice from a lawyer.

We update our information sheets from time to time. Check our website to make sure this is the most recent version.

Key points

- If you screen a film, video or DVD in a non-domestic setting, you need permission unless you can rely on the special exception for screening "in class".
- Several copyrights may exist within one item such as a DVD. Generally, you get permission for all the copyrights involved by hiring the film, video or DVD from a distributor that can grant permission for "non-theatrical" screenings, and by getting a licence from APRA and (in most cases) PPCA.
- The fact that you own a copy of a film, video or DVD does not give you the right to screen it in public.
- There is no general exemption allowing non-profit organisations to screen films, videos or DVDs in public without permission, even if no charge is made for admission.

Why is permission needed?

Owners of copyright have exclusive rights to do certain things with their material. These rights include copying material, and showing or playing material such as films, DVDs and videos in public.

In general, a person who wants to use material protected by copyright in one of the ways reserved to the copyright owner needs permission. Screening **part** of a video, film or DVD will also generally require permission, even if the part is a small proportion of the whole.

Screening "in public"

For copyright purposes, screening a film, DVD or video outside the home is generally regarded as "in public". In one case, a court held that screening a training video to eleven employees of a bank was a "public performance" of the music on the video. In another case, screening videos in motel rooms was held to be "in public". Therefore, screening a film or video in a pub, restaurant, nightclub, cafe, shopping centre or factory will generally be "in

public". Screenings organised by a non-profit organisation, such as a church, social club, or sporting association, will also generally be "in public", even if no fee is charged for viewing the film or video.

Owning a physical copy of a video, DVD or film does **not**, by itself, entitle you to screen it publicly.

Screening a film for educational instruction

Screening a film, video or DVD in a class that is not run for profit will not generally require the permission of the copyright owner. For information about screening films or videos in class, see our information sheet *Videos, DVDs and films: screening in class*.

Screening a film for government purposes

A person may screen a film or video on behalf of the Commonwealth or a State Government for government purposes without obtaining permission. However, the government must notify the owners of copyright, and the owners of copyright are entitled to fair payment.

For information on the exception for governments, see our information sheet *Governments (Commonwealth, State and Territory)*. Note that this exception does not apply to local governments.

Screening a film in a retirement village, nursing home or boarding house

In managed or communal residences there is not always a clear line between a public and a private screening. As a practical approach, the less officially organised a screening is, the less likely it is to be "public" and to require permission. Residents of a retirement village who buy or hire a video or DVD to watch by themselves or with a few friends, as they would in a private home, will not normally need permission for the screening.

On the other hand, if the management of a village house or boarding house organises a screening of a film for residents, this is more likely to be "public". In such situations, the DVD or video should be hired from an outlet that can authorise "public" screening.

If videos are reticulated from a central player to several rooms, you will need to check that you get permission covering this "communication".

Screening a film in a hotel or motel

A motel or hotel that arranges to screen a film or video for the entertainment of its guests will need permission from the copyright owner, since such a screening is regarded as being "in public". Where a video or DVD is reticulated from a central player to several rooms, permission to "communicate" the video or DVD and the copyright material within it to the public is likely to be required.

However, if video or DVD players are provided in guests' rooms, permission is unlikely to be needed if guests select and play the videos or DVDs themselves.

Screening a film in a church

A licence for screening a film or video in a church can be obtained from Christian Video Licensing International (CVLI). Christian Copyright Licensing International (CCLI) joined with the Motion Picture Licensing Corporation (MPLC) to form CVLI and create a church video licence. This licence allows churches and other ministry organisations to show videos and films (of participating producers) in a public setting. The licence covers over 60 producers, including Universal Pictures, DreamWorks and Paramount and over 1000 movie titles. CVLI also offers group licences whereby several churches in one denomination can arrange for their licences together at a reduced rate. For more information, and to apply online for a licence, visit www.cvli.com.au.

Getting permission

To screen a film in public, you generally need permission from the owners of copyright in:

- the audiovisual recording ("the film") and underlying works;
- the music included in the soundtrack; and
- the sound recordings, where pre-recorded music is included in the soundtrack.

Getting permission to screen the film

Your local video store will generally **not** be able to grant permissions either for public screenings or for in-house cabling.

There is no single organisation that can give you general permission to screen films and videos in public. In practice, you may need to purchase, rent or borrow films, DVDs or videos from a supplier that can give you permission to screen them on behalf of the copyright owners.

We understand that Roadshow Film Distributors handles most commercially produced films, including independently produced films (it does not, however, handle Columbia Tri-Star Films): contact Roadshow's non-theatrical division by email (publicperformance@roadshow.com.au), or phone 02 9552 8685.

If Roadshow does not handle the film you are interested in, Amalgamated Movies Non-Theatrical Film Distributors (www.amalgamatedmovies.com) may handle the rights. Film Australia and State Film Centres may handle films that they have funded or otherwise been associated with.

If none of these organisations can help you, you will need to contact the distributor or producer. Contact details are generally listed on the video or DVD box or in the credits.

If you want to cable films in-house (for example, for viewing in hotel or motel rooms), the company which is likely to be able to assist you is MovieLink (see www.movielink.net.au).

Screening a DVD of an ABC production

You can purchase a DVD of a program broadcast on ABC television from the ABC's non-theatrical sales online catalogue. Programs purchased from this catalogue may be viewed by individuals in a private setting or exhibited to non-paying audiences in educational institutions, libraries, hospitals, government bodies, community groups and some business organisations. A tiered pricing structure applies to most programs available for sale, with a cheaper price applying to individuals who use the DVDs for private home viewing only. Visit www.abc.net.au/programsales for further information.

Separate permission for music and recordings on the soundtrack: APRA and PPCA

Generally, you need permission for the public performance and playing of music and sound recordings within the soundtrack of the film, as well as permission for the public screening of the film itself.

Permission for the "public performance" of the musical work on a film is administered by the Australasian Performing Right Association (APRA). Its website is at www.apra.com.au.

Permission for the public playing of the separate sound recording in the soundtrack to the film is licensed by the Phonographic Performance Company of Australia (PPCA). Its website is at www.pcca.com.au. However, as a result of a special exception in the Copyright Act, non-profit clubs and societies set up for charitable, religious or social welfare purposes, and "premises where people sleep", will not need a licence from PPCA, provided any funds raised from screenings are not used for purposes other than the organisation's purposes. However, these types of organisations will still need an APRA licence.

The venue in which the DVD, film or video is to be screened may already be covered by licences from APRA and PPCA. If not, contact APRA and PPCA.

Consequences of unauthorised public screening

If you screen a film, DVD or video in public without permission, you will infringe copyright (unless a special exception applies or all relevant copyrights have expired).

You may also infringe copyright by "authorising" someone else to screen a film, DVD or video without permission. In addition, a person who permits premises to be used for an unauthorised public screening of a film or video may be liable.

A copyright owner may take legal action for infringement, generally as long as six years after the infringement has occurred. A copyright owner whose rights are infringed may seek orders from a court, including orders for financial compensation.

A person who infringes copyright for commercial purposes may also be charged with criminal offences.

Common questions

Can we screen small sections of feature films on video or DVD to illustrate lectures, sermons or other public talks?

Generally, you will need permission if:

- the section embodies an important or distinctive part of any copyright material; and
- none of the special exceptions apply to your use of the material.

Special exceptions to infringement that may be relevant to your use of the film include:

- fair dealing for criticism or review (see our information sheet *Fair dealing*);
- screening in class (see our information sheet *Videos, DVDs and films: screening in class*).

If you cannot rely on a special exception to infringement, you will need to work out whether the section you want to screen comprises a “substantial part” of the film or any of the underlying works (such as screenplays, song lyrics and music).

There is no rule that allows you to use a certain amount or percentage without infringing copyright. In each case, the question is whether the part you want to show embodies an important or distinctive part of the entire film or of any of the underlying material. The shower scene in the film *Psycho* is a relatively small part of the film, but might be regarded as an essential or distinctive part of that movie, and permission might be needed to screen that scene in public. In many cases, even screening a very small part of a film will involve public performance of a substantial part of the words or music of a song, for example. (For further information, see our information sheet *Quotes and extracts: copyright obligations*.)

Can we have a function such as a fund-raiser or social event where we all watch a sporting event or movie on TV?

If you are watching television, rather than screening a DVD or video, you do not need permission from the TV station, the owners of copyright in the movie or film footage that is broadcast, nor in relation to underlying sound recordings included in the broadcast. This is because of special exceptions in the Copyright Act.

You will, however, need to check that the venue or your organisation has a licence from APRA for playing any music and song lyrics included in the broadcast.

You may also need permission for the public performance of any literary or dramatic works included in the broadcast. However, there is no collecting society which licenses such uses.

Can I screen a pirated copy of a DVD?

No. Playing a pirated copy of a DVD, even if you do not need, or have received, permission for the public screening of the film, will infringe copyright (at least in the computer software on the DVD).

Further information

For further information about copyright, see our website – www.copyright.org.au – or contact us.

Reproducing this information sheet

You may download and print one copy of this information sheet from our website for your reference, or you may purchase a printed copy from our online shop – <http://shop.copyright.org.au> – or direct from us.

Australian Copyright Council

The Australian Copyright Council is a non-profit organisation whose objectives are to:

- assist creators and other copyright owners to exercise their rights effectively;
- raise awareness in the community about the importance of copyright;
- identify and research areas of copyright law which are inadequate or unfair;
- seek changes to law and practice to enhance the effectiveness and fairness of copyright;
- foster co-operation amongst bodies representing creators and owners of copyright.



Australian Government



The Australian Copyright Council has been assisted by the Commonwealth Government through the Australia Council, its arts funding and advisory body, through its Policy, Communication and Planning Division.

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