

2.6 Copyright

2.6.1 Infringement of Copyright Protected Material

The purpose of this policy statement is to establish guidelines for faculty, staff and students of Flagler College, whose work requires the reproduction, use, display, or distribution of any copyrighted or licensed material. The guidelines affirm the proper use by the College community of such material in compliance with the Copyright Act, Title 17, United States Code. Flagler College does not condone or support any form of copyright infringement.

The scope of this policy statement is not universal, but seeks to address the most likely/common situations requiring familiarity of copyright law on the campus of Flagler College. The Proctor Library also has available in its collections several books addressing copyright issues, and the librarians there can often assist users in interpreting and applying copyright guidelines.

1.1 Summary Highlights on Copying

The detailed Protection of Copyrighted Material policy will continue below with Paragraph #1.2, but included immediately within this paragraph (#1.1) are summary highlights of the key provisions on the photocopying of copyrighted print material and the copying of recorded music and motion pictures. These are the most common activities associated with copyright protection and infringement.

Copying: Only a single copy of a copyrighted article or other work may normally be made, unless written permission to make multiple copies has been secured from the copyright holder or the material is already in the public domain.

Most material copyrighted prior to 1906 is now in the public domain, and most government documents are in the public domain; however, there are often exceptions. It is always appropriate to check for a notice of copyright before making multiple copies of such material. This is the responsibility of the person who is either making the copies or requesting copying service.

Single Copies of Material: A single copy of any of the following may be made for private study, scholarship or research, or for a teacher's individual use in teaching or preparation to teach a class:

1. A chapter from a book;
2. An article from a periodical or newspaper;
3. A short story, short essay or short poem, whether or not from a collective work; and/or
4. A chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper.
5. A sound or video recording owned or purchased by the College or the Proctor Library.

Multiple Copies for Classroom Use: Multiple copies (not to exceed in any single event more than one copy per student in a course) may be made of articles and works (not sound or video recordings) for classroom use or discussions by or for the teacher giving the course provided that:

1. The copying meets the tests of brevity, spontaneity, and cumulative effects, as defined in the Fair Use Guidelines (available in the Library folder of Outlook Public Folders), and
2. Each copy includes a notice of copyright.

Prohibitions: There shall be no copying of or from works intended to be “consumable” in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets, and answer sheets and similar consumable material.

Copying shall not:

1. Substitute for the purchase of books, publishers’ reprints, periodicals, music recordings, or video recordings;
2. Be directed by higher authority;
3. Be repeated with respect to the same item by the same teacher from term to term, without prior permission from the copyright owner.

1.2 Copyrighted Material

Nearly any form of creative work is subject to some form of copyright protection – this includes published and unpublished works.

The Copyright Act provides protection in light of the following:

1. **Reproduction** of printed material:
 - a. Literary works – fiction & non-fiction;
 - b. Musical works, including accompanying words/lyrics;
 - c. Dramatic works, including accompanying music.
2. **Presentation** of other materials:
 - a. Choreographic works;
 - b. Pictorial, graphic, and sculptural works;
 - c. Motion pictures and other audiovisual works;
 - d. Sound recordings, including phonograph records, tapes, downloaded music.

2. Copyright & “Fair Use”

The copyright law is in place to foster a balance between the creation and dissemination of information, so individuals are encouraged to make use of copyrighted information in a reasonable and lawful manner. It is understood that during the course of their work, research, and/or instruction faculty, staff and students of Flagler College will need to reproduce copyrighted information for use or distribution of that information. The Copyright Act provides guidelines for determining on just such occasions what materials are constituted “fair use,” and when. The guidelines are not specific but rather general in order to accommodate the contextual factors involved in determining “fair use” and the amount of material that can be reproduced in various situations. As it stands, the “fair use doctrine” is articulated thusly:

17 U.S.C. § 107. Limitations on exclusive rights: Fair Use—

Notwithstanding the provisions of sections 106 and 106A the fair use of a copyrighted work, including such use by reproduction in copies or phono records or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including

multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—

1. *The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;*
2. *The nature of the copyrighted work;*
3. *The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and*
4. *The effect of the use upon the potential market for or value of the copyrighted work.*

3. Books & Periodicals: Reproduction for Library Course Reserves and for the Classroom

Since the Library's reserve shelves are considered an extension of the classroom, the guidelines and restrictions for copyrighted materials placed on reserve in the Library are the same for individual faculty and their use of materials in the classroom. In sum, photocopying of copyrighted materials should not have damaging impact on the market. To insure this, guidelines conform to the Limitations on exclusive rights: Fair Use (cf. above).

3.1 Single Copying for Teachers

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach class:

1. A chapter from a book;
2. An article from a periodical or newspaper;
3. A short story, short essay or short poem, whether or not from a collected work;
4. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

3.2 Multiple Copies for Classroom Use

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion; provided that:

1. The copying meets the tests of brevity and spontaneity; and,
2. Meets the cumulative effect test; and
3. Each copy includes a notice of copyright.

Definitions of "brevity," "spontaneity," and "cumulative effect" are explained in the document Fair Use Guidelines available to all users in the Outlook public folder "Library," as well as at the Proctor Library. The Photocopied Reserve "Fair Use" Worksheet is also available in Outlook and at the Library for users to quickly assess whether or not permission is necessary for the use of copyrighted materials.

Securing permission to photocopy copyrighted works when the material goes beyond "fair use" can be done easily, efficiently, and in a timely manner. Since it is the policy here at Flagler College to abide closely with the copyright law, users are required to secure permission whenever necessary. A relatively expeditious way to secure permission from a publisher is via the Copyright Clearance Center (www.copyright.com).

4. Interlibrary Loan

The Proctor Library of Flagler College complies with the ALA's Reference and User Service's Association's Interlibrary Loan Code for the United States (2001 Revision) while applying § 108 (g) (2) of the copyright law.

Annually, no more than five (5) copies of a particular article or articles from a periodical (as opposed to a particular issue of a periodical) may be requested if the request is made within five years of the article/s' publication dates. The exceptions are articles published at least five years prior to the request. If more than five articles are requested from one journal title in any calendar year, the Proctor Library will try a variety of methods to obtain permission.

5. Educational Use of Music

Copyright law applies not only to written materials, but to other creative forms of media and the display/performance of such materials. Since this includes audio recordings of music scores, the following guidelines are offered to state the minimum and not the maximum standards of educational fair uses under § 107 of copyright law. It is understood that the guidelines below do not limit the types of copying permitted since there may be instances wherein copying that does not fall within the guidelines below may nonetheless be permitted under the criteria of fair use.

5.1 Permissible Uses

1. Emergency copying to replace purchased copies that for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.
2. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than 10 percent of the whole work. The number of copies shall not exceed one copy per pupil.
3. Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.
4. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
5. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

5.2 Prohibitions

1. Copying to create or replace or substitute for anthologies, compilations or collective works.
2. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.

3. Copying for the purpose of performance, except as in 5.1(1) above.
4. Copying for the purpose of substituting for the purchase of music, except as in 5.1(1) and 5.1(2) above.
5. Copying without inclusion of the copyright notice which appears on the printed copy.

6. Audio-Visual Materials

In non-profit educational institutions copyright law allows the performance or display of dramatic and non-dramatic audio-visual works by teachers or students in the course of face-to-face teaching activities and for educational purposes only. This applies to materials purchased by the College or the Proctor Library that may be used in the classroom setting. Such items may also be viewed personally by students and faculty/staff in the Library or at home/domicile in such a way that does not constitute “public performance.” In the Library this means on a modest visual screen and with a viewing audience of fewer than 7 individuals.

From time-to-time, faculty may find it necessary to record portions of Broadcast television events or performances for educational use in the classroom. The following guidelines are designed to provide only a “safe-harbor” for such use and presuppose the use of the material to be educational and in face-to-face teaching activities:

1. Performance of the material must be done in a face-to-face teaching context only, and may be repeated once again within 10 school days of the recording;
2. A copy of the recorded material may be retained for 45 days after it is recorded, after which time it must be destroyed or erased. After the first 10 days of recording the material, such material can only be used by the faculty member individually for evaluative purposes;
3. Recorded performances need not be displayed or performed in their entirety, but their content cannot be altered from the original;
4. Physical or electronic editing or merging to create a teaching anthology is not permitted;
5. A notice of copyright must appear on the recorded program as it was originally broadcast.

7. Library Archival Reproduction

Copyright law allows a single reproduction of copyrighted material for archival purposes – not in “machine-readable” language for storage in an information system – in the event of damage, deterioration, or loss/theft of the material after reasonable effort has determined that an unused replacement cannot be obtained at a fair price.

8. Photocopying Machines

A “Display Warning of Copyright” shall be placed in a prominent place on or near all photocopying machines to inform users of their obligations.

The warning should read as follows:

--Notice: Warning Concerning Copyright Restrictions. The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is

that the photocopy or reproduction is not to be “used for any purpose other than private study, scholarship, or research.” If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of “Fair Use,” that user may be liable for copyright infringement. This institution reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

Flagler College is not required to police machines or to advise on possible infringement of the law.

Recommended by: Director of Library Services

Approvals: Replaces APS 423; approved October 15, 2007

Documents compliance with SACSCOC principle: N/A

Also published in:

2.6.2 Digital Millennium Copyright Act

The Digital Millennium Copyright Act (DMCA) PL 105-304 was signed into law by President Clinton in October, 1998. One of the provisions of the legislation provides an opportunity for college and universities such as Flagler College to shield themselves from liability for the actions of users that infringe on the copyrights of others. Any use of the Flagler College network, email system, or websites to transfer copyrighted material including, but not limited to, software, text, images, audio and video is strictly prohibited. As indicated in the College’s Infringement of Copyright Protected Material Policy (see Subsection 2.6.1), violations of copyright law are violations of state and federal laws, and as such, may result in criminal charges.

In accordance with the DMCA, Flagler College has designated the following individual to receive and respond to reports of alleged copyright infringement on the Flagler College website:

Vice President for Business Services
74 King Street
St. Augustine, FL 32084
Telephone: (904) 819-6230
Email: DCarson@flagler.edu

The Act requires the complainant to include certain information as specified below:

The Digital Millennium Copyright Act specifies that all infringement claims must be in writing (either on paper or electronic mail) and must include the following elements:

1. A physical or electronic signature;
2. Description of the work claimed to be infringed;
3. Description of the allegedly infringing work and the location on the College’s web site;
4. Contact information for the complaining party;
5. A statement that the complaining party has a good faith belief that the use of the material in the manner complained of is not authorized by the copyright owner or law;
6. A statement that the information contained in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the copyright owner.

For more information on United States Copyright Laws, see: The US Copyright Office.

Recommended by: Stevens Strategy
Approvals: approved August 7, 2013
Documents compliance with SACSCOC principle: N/A
Also published in:

2.6.3 Intellectual Property Rights and Ownerships

The purpose of this policy statement is to establish the rights and responsibilities of Flagler College and of faculty, staff, students and others regarding the creation, use, ownership and compensation for works protected by copyright, licenses, trademarks, and so forth.

In the course of teaching, research and other scholarly and administrative activities at the College, faculty, staff, students and others may create works that are protected by copyright. Federal Copyright Law provides protection for original works of authorship automatically at the time those works are fixed in a tangible medium.

I. Copyright

A. General Policy Statement

Copyright is the ownership and control of the intellectual property in original works of authorship that is subject to copyright law. This work might be written, oral, visual, recorded, digital or any other medium that may be protected by copyright law.

It is the policy of Flagler College that all rights in copyright shall remain with the creator unless the work is a “work for hire” (and copyright vests in the College under copyright law), is supported by the direct allocation of funds through the College for the pursuit of a specific project, is commissioned by the College, makes significant use of College resources or personnel, is developed with support from a sponsor other than the College, or is otherwise subject to contractual obligations.

B. Books, Articles, and Similar Works

Flagler College, in accord with academic tradition, except to the extent set forth in this policy, does not claim ownership to pedagogical, scholarly, or artistic works, regardless of their form of expression. Such works include those of students created in the course of their education, such as papers and articles. The College claims no ownership of popular nonfiction, novels, textbooks, poems, musical compositions, un-patentable software, or other works of artistic imagination, which are not institutional works and do not make significant use of College resources or the services of College non-faculty employees working within the scope of their employment.

C. Institutional Works

The College shall retain ownership of works created as Institutional Works. Institutional Works include works that are supported by a specific allocation of College funds or that are created at the direction of the College for a specific College purpose (i.e., “works for hire”). Institutional works also include works whose authorship cannot be attributed to one or a discrete number of authors but rather result from simultaneous or sequential contributions over time by multiple faculty and students. The mere fact that multiple individuals have

contributed to the creation of a work shall not cause the work to constitute an institutional work.

D. Works of Non-Employees

Under copyright law, works of non-employees such as consultants, independent contractors, etc., are owned by the creator and not by the College unless there is a written assignment to the contrary. Therefore, in order to ensure that the College retains ownership of such works (created as an institutional work rather than personal efforts, as described in Subsection C. above), the College will generally require a written agreement from non-employees that ownership of such works will be assigned to the College.

Examples of works that the College may retain non-employees to prepare include reports by consultants or subcontractors; computer software; architectural or engineering drawing; illustrations or designs; or artistic works.

E. Course Materials, Classroom Technology, and Videotaping

Courses taught and courseware developed for teaching at Flagler College by a faculty member belong to that faculty member unless grants or other outside funding sources fund the development. Faculty ownership of such course material does not entitle the faculty member to any additional compensation from the College because of enrolled students' use of the material. Faculty ownership of such course materials also does not preclude the College from using such materials for internal instructional, educational and administrative purposes. Course materials brought to Flagler College by the faculty member from another institution belongs to the faculty member unless there is some ownership arrangement by the other institution.

Any courses that are videotaped or recorded using any other media are College property, and may not be further distributed without permission from the academic dean. Blanket permission is provided for evanescent video or other copies for the use of students, or for other College purposes. Prior to videotaping, permission should be obtained from anyone who will appear in the final program.

F. Contractual Obligations of the College

This Intellectual Property Rights and Ownerships Policy shall not be interpreted to limit the College's ability to meet its obligations for deliverables under any contract, grant, or other arrangement with third parties, including sponsored research agreements, license agreements and the like.

G. Use of College Resources

College resources are to be used solely for College purposes and not for personal gain or personal commercial advantage, nor for any other non-College purposes. Therefore, if the creator of a copyrightable work makes significant use of the services of College non-faculty employees or College resources, equipment, funds or other contributions to create the work, he or she shall disclose the work to the Office of the President and assign title to the College. For purposes of this policy "resources" does not include the use of personal computers, printers, the College's library, and limited secretarial or administrative resources for the creation of scholarly works rather than commercial works.

Questions about what constitutes significant use should be directed to the appropriate dean or the Office of the President.

H. Re-conveyance of Copyright to the Creator

When copyright is assigned to Flagler College because of the provisions of this policy, the creator of the copyrighted material may make a request to the Office of the President that ownership be re-conveyed back to the creator. Such a request can, at the discretion of the President, be granted if it does not: (i) violate any legal obligations of or to the College, (ii) limit appropriate College uses of the materials, (iii) create a real or potential conflict of interest for the creator, or (iv) otherwise conflict with College goals or principles.

I. Use of the College Name in Copyright Notices

The following notice should be placed on College-owned materials:

Copyright © [year] Flagler College. All Rights Reserved.

No other institutional or departmental name is to be used in the copyright notice, although the name and address of the department to which readers can direct inquiries may be listed. The date in the notice should be the year in which the work is first published, i.e. distributed to the public or any sizable audience.

Additionally, works may be registered with the United States Copyright Office using its official forms (<http://www.copyright.gov/forms>).

II. Royalty/Income Policy

A. Allocation of Royalty/Income – For Works Other Than Scholarly Works

Where the College has an ownership interest in a work and revenues result from a patent, licensing agreement or other agreement, that work or otherwise exploiting it, the standard royalty sharing arrangement will be as follows:

1. Where the work is a “work for hire” created by a College employee or non-College consultant, contractor, or other non-employee there is generally no royalty-sharing arrangement unless there is a written agreement between the College and such person(s) providing for distribution of income to the College employee, consultant, contractor, or other non-employee.
2. Where there is a written agreement between the College and any non-College individual or entity, or a written shared-royalty agreement regarding works created using College resources, distribution of income will be made according to that agreement.
3. In all other cases where the College has an ownership interest in a copyrighted work, first income will reimburse College or other development funds (excluding gifts and sponsored agreements) and other expenses or fees related to the creation of the work and the maintenance, or enforcement of the copyright or of licensing of the work.

The balance of proceeds from royalties or disposition will be distributed as follows:

50% to the creator(s) or developer(s);

50% to the College.

Any disputes involving royalties will be resolved by the President, after a recommendation from the college formed ad hoc Copyright Committee.

B. Duty to Disclose

Patentable inventions and other marketable forms of intellectual property conceived and/or reduced to practice which were made or conceived utilizing Flagler College facilities, equipment, funds or other contributions of the College or were made or conceived during a College administered program, research project or under an College contract must be disclosed fully and in good faith to the President of the College.

III. Other Intellectual Property

A. Trademarks

Trade and service marks are distinctive words or graphic symbols identifying the sources, product, producer, or distributor of goods or services. Trade or service marks relating to goods or services distributed by the College shall be owned by the College. Examples include names and symbols used in conjunction with the College wordmark and logo and those names or symbols associated with College athletics, events, programs, software, or activities.

IV. Explanation of Terms

A. Copyright

Copyrightable Works: Under the federal copyright law, copyright subsists in “original works of authorship” which have been fixed in any tangible medium of expression from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. These works include:

1. Literary works such as books, journal articles, poems, manuals, memoranda, tests, computer programs, instructional material, databases, bibliographies;
2. Musical works including any accompanying words;
3. Dramatic works, including any accompanying music;
4. Pantomimes and choreographic works (if fixed, as in notation or videotape);
5. Pictorial, graphic and sculptural works, including photographs, diagrams, sketches and integrated circuit masks;
6. Motion pictures and other audiovisual works such as videotapes;
7. Sound recordings.

Scope of Copyright Protection: Copyright protection does not extend to any idea, process, concept, discovery or the like, but only to the work in which it may be embodied, illustrated, or explained. For example, a written description of a manufacturing process is copyrightable, but the copyright only prevents unauthorized copying of the description; the process described could be freely copied unless it enjoys some other protection, such as patent.

Subject to various exceptions and limitations provided for in the copyright law, the copyright owner has the exclusive right to reproduce the work, prepare derivative works, distribute copies by sale or otherwise, and display or perform the work publicly. Ownership of copyright is distinct from the ownership of any material object in which the work may be embodied. For example, if one purchases a videotape, one does not necessarily obtain the right to make a public showing for profit.

The term of copyright in works created on or after January 1, 1978, is the life of the author plus seventy years. Copyright in works-for-hire is for ninety-five years from the date of first publication or one hundred twenty years from creation, whichever period first expires.

B. Works for Hire

“Work for hire” is a legal term defined in the Copyright Act as “a work prepared by an employee within the scope of his or her employment.” This definition includes works prepared by employees in satisfaction of sponsored agreements between the College and outside agencies. Certain commissioned works also are works for hire if the parties so agree in writing.

The employer (i.e., the College) by law is the “author,” and hence the owner, of works for hire for copyright purposes. Works for hire subject to this principle include works that are developed, in whole or in part, by College employees. For example, under Section I.H of this policy, significant use of staff or student employee programmers or College film production personnel will typically result in College ownership of the copyright in the resulting work. Where a work is jointly developed by College faculty or staff or student employees and a non-College third party, the copyright in the resulting work typically will be jointly owned by the College and the third party. In such instances, both the College and the other party would have nonexclusive rights to exploit the work, subject to the duty to account to each other. Whether the College claims ownership of a work will be determined in accordance with the provisions of this policy, and not solely based upon whether the work constitutes a work-for-hire under the copyright law. For example, copyright in pedagogical, scholarly or artistic works to which the College disclaims ownership under this policy shall be held by the creators regardless of whether the work constitutes a work-for-hire under copyright law. College ownership in a work for hire may be relinquished only by an official of the College authorized to do so by the Board of Trustees.

Recommended by: Office of the President

Approvals: Replaces APS 434; revised by Stevens Strategy; approved August 12, 2013

Documents compliance with SACSCOC principle: N/A

Also published in:

2.6.4 Movies on Campus

The purpose of this statement is to set forth the college policy pertaining to the showing and advertising of movies or television broadcast on campus by student groups and organizations and the use of movies within classes as shown by faculty.

In order not to violate Federal copyright laws (see reference below), as they pertain to the showing of films or television broadcast, the following procedures must be followed:

Showing a Movie on Campus

Student Version:

- A. Showings without Public Performance License: Students, Student Clubs, Academic Organizations, Honor Societies and other student groups may show Movies or Television Broadcasts on campus without a Public Performance License only if they have met all of the following requirements:
1. Movies or Television Broadcasts shown must be part of a course of instruction, meaning that (a) the professor is present for the screening, (b) the film is used in the context of a course of instruction, and (c) the copy of the film being shown is a lawful copy. In short, the showing must directly involve an instructor and apply to a course in which students showing the film are enrolled. Advertisement of this showing must be limited to those students needing to view the film as part of a course requirement.
- B. Showings requiring Public Performance License: Students, Student Clubs, Academic Organizations, Honor Societies and other student groups may show Movies or Television Broadcasts on campus to any persons – Flagler students, faculty, staff, and/or the Public – and must obtain a Public Performance License, as well as follow these procedures:
1. Whether the students plan to advertise the movie to the entire campus (thus limited to Flagler students, faculty, staff) or the broader Public, a Public Performance License must be submitted to the Office of College Relations no later than 7 business days prior to the event;
 2. The film or television broadcast will not have a rating above “R”;
 3. Meet federal copyright laws (see summary below);
 4. Admission cannot be charged for the movie.

Cost of a Public Performance License depends upon the film screen, distribution company, and size of audience. For more information, and to obtain a Public Performance License, contact the following companies: Swank Motion Pictures & Criterion Pictures (additional distribution companies listed at the end of this document).

Faculty & Staff Version:

Faculty only - Showings without Public Performance License: Faculty may show Movies or Television Broadcasts on campus without a Public Performance License only if they have met the following requirements:

Movies or Television Broadcasts shown must be part of a course of instruction, meaning that (a) the professor is present during the screening, (b) the film is used in the context of a course of instruction, and (c) the copy of the film being shown is a lawful copy. Showings can only be advertised in the professor’s relevant courses.

Faculty & Staff - Showings requiring Public Performance License: Faculty & Staff may show Movies or Television Broadcasts on campus to any persons – Flagler students, faculty, staff, and/or the Public – and must obtain a Public Performance License, as well as follow these procedures:

1. Whether the faculty or staff plans to advertise the movie to the entire campus (thus limited to Flagler students, faculty, staff) or the broader Public, a Public Performance License must be submitted to the Office of College Relations no later than 7 business days prior to the event;
2. Meet federal copyright laws (see summary below);
3. Admission cannot be charged for the movie;
4. The cost of a Public Performance License depends upon the film screen, distribution company, and size of audience. For more information, and to obtain a Public Performance License, contact the following companies: Swank Motion Pictures & Criterion Pictures (additional distribution companies listed at the end of this document).

Please contact the Office of Student Services (x238) or the Office of College Relations (x205) with any questions regarding this policy.

The following is from the Motion Picture Licensing Corporation (www.mplc.com) and contains specific language concerning copyrighted videocassettes and DVDs.

Pre-recorded home videocassettes and DVDs ("Videos") that are available for rental or purchase include the right to exhibit the movie for home use only.

These motion pictures do not include a license for showing outside one's home.

Individuals who wish to show movies for any other use or in any other place must have a separate license that specifically authorizes such use.

These simple and straightforward rules are detailed in the federal Copyright Act, as amended, Title 17 of the United States Code (www.copyright.gov/title17/92chap1.html). According to The Copyright Act, only the copyright owner holds the exclusive right, among others, "to perform the copyrighted work publicly."

In summary, the Copyright Act mandates:

1. The rental or purchase of a Video does not bear the right "to perform the copyrighted work publicly.
2. "Videos may be shown without a SEPARATE license in the home to "a normal circle of family and its social acquaintances" (www.copyright.gov/title17/92chap1.html#101) because such showings are not considered "public.")
3. Videos may be shown without a license for non-profit educational purposes and in certain narrowly defined "face-to-face teaching activities" because the law provides limited exceptions for such showings.

For further information on Showing a Movie on Campus, Copyright Law, and similar policy, refer to:

[Motion Picture Licensing Corporation statement on Copyright Law](#)

[Cornell College's Movie Policy as posted by their Student Activities Office](#)

[American University's "Guide to Showing Movies on Campus"](#)

Additional film distributors:

Janusfilms.com (Foreign & American classics)

Filmmovement:

Filmmovement.com (Int'l film festival favorites)

Kino:

Kino.com (Classics and Indie releases)

New Yorker Films:

Newyorkerfilms.com (Foreign & Indie releases)

Sony Classics

Mike.Dicerto@spe.sony.com

Zeitgeist Films:

Zeitgeistfilms.com (Foreign & Indie releases)

Recommended by: Ad hoc Committee of the Faculty Senate

Approvals: Replaces APS 323; revised by Stevens Strategy; approved March 26, 2012

Documents compliance with SACSCOC principle: n/a

Also published in: