

BLACK HILLS STATE UNIVERSITY
Policy and Procedures Manual

SUBJECT: Public Viewing of Films/Movies
NUMBER: 3:4

Office: Office of Academic Affairs

Source: [Student Organization Manual](#); [Federal Copyright Act, Public Law 94-553, Title 17 of the United States Code](#)

1. Purpose

This policy and its procedures set forth the guidelines regarding public viewing of films/movies on University property or at University controlled facilities.

2. Policy

- a. By law, as well as by intent, the pre-recorded videocassettes, DVDs, Blu-ray, download or streaming platforms which are available for purchase throughout the United States are for home use only, unless you have a license to show them elsewhere.
- b. Rentals or purchases of videos intended for home use do not carry with them licenses for non-home showings. Before you can legally engage in non-home showings, you must have a separate license, which specifically authorizes them.
- c. These simple, straightforward rules are embodied in the [Federal Copyright Act, Public Law 94-553, Title 17 of the United States Code](#). Any institution, organization, company, or individual wishing to engage in non-home showings of videos intended for home use should be aware of the Copyright Act's provisions governing showings of video material, which are highlighted below. The Copyright Act grants to the copyright owner the exclusive right "to perform the copyrighted work publicly" (Section 106).
 - i. The rental or purchase of a home DVD or Blu-ray, including download or streaming platforms, does not carry with it the right "to perform the copyrighted work publicly."

- ii. Videos intended for home use may be shown, without a license, in certain narrowly defined “face-to-face” teaching activities (Section 110.1) because the law makes a specific, limited exception for such showings. There are no other exceptions.
- iii. Other showings of videos intended for home use are illegal, unless they have been authorized by the license. Even “performance in ‘semipublic’ places such as clubs, lodges, factories, summer camps, and schools are ‘public performance’ subject to copyright control” (Senate Report No. 94-473, page 60; House Report No. 94-1476, page 64).
- iv. Institutions, organizations, companies, or individuals wishing to engage in non-home showing of videos intended for home use must secure licenses to do so, regardless of whether an admission or other fee is charged (Section 501). This legal requirement applies equally to profit-making organizations and non-profit institutions (Senate Report No. 94-473, page 59; House Report No. 94-1476, Page 62).

3. Procedures

- a. Showings of home videocassettes, DVDs, Blu-ray, download or streaming platforms without a license, when one is required, are infringements of copyright. If done “willfully and for purposes of commercial advantage or private financial gain,” they are a Federal crime (Section 506). In addition, even innocent or inadvertent infringers are subject to substantial civil damages (at least \$750 for each illegal showing) and other penalties (Section 501-505).
- b. If clubs and organizations are unsure if a license is needed or how to go about obtaining a license, please contact the Student Engagement and Leadership Center. The Student Engagement and Leadership Center will be able to assist with issues pertaining to movie/video licensing for public showings of copyrighted materials.

4. Responsible Administrator

The Vice President for Academic Affairs, or designee, is responsible for the annual and ad hoc review of this policy. The University President is responsible for approval of this policy.

SOURCE: Approved by President Laurie Nichols on 1/19/2022.