

Movie Performance Policy

(including videocassettes, videodiscs (DVDs), and streaming)

The United States copyright law [Title 17 of the United States Code] governs how copyrighted materials, such as movies, may be used. Neither the rental or purchase of a videocassette, videodisc (DVD), or digital copy streamed through an Internet service such as Netflix or iTunes carries with it the right to engage in a “public performance” of the material contained on the tape, disc, or digital file. This restriction also applies to movies (regardless of the medium) checked out from libraries. The Copyright Act does not allow unauthorized “public performances.” However, performance that are “non-public” are permitted. Non-public screening must not be promoted on the Internet (e.g. the Lewis & Clark website, social media, etc.).

A performance is public if it occurs in a place (1) “open to the public” or (2) “where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered” [17 U.S. Code § 101]. For specific questions concerning whether a specific performance fits within this exception, students should contact Student Activities.

The copyright law also allows for the public performance of copyrighted 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...” so long as the copy of the movies was lawfully made (the “Teaching Activities Exception”) [17 U.S. Code § 110(1)].

The Teaching Activities Exception applies to Lewis & Clark College as a nonprofit educational institution, as long as the other requirements are satisfied. Under the Teaching Activities Exception, the performance of the copyrighted work may not necessarily need to be a part of a formal class, as long as it is performed “in a classroom or similar place devoted to instruction” and an instructor or student hosts or conducts an education component related to the performance. The “educational component” might take the form of discussions led by an instructor or student before and/or after the performance, which relate the work to a class or course of study. For specific questions concerning whether a specific performance fits within the Teaching Activities Exceptions, students should contact Student Activities.

Finally, works which are in the public domain or which are created by the federal government or an agency thereof are not protected by copyright. For information about whether a film is in the public domain, please contact Student Activities.