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Copyright for Movie Night: Film Screenings on Campus

Campus groups regularly screen films for a variety of reasons, including education, awareness raising, and entertainment. Given the complexity of copyright law in this area, student leaders may be unsure of when it is necessary procure specific rights for public performances or how to do so. They may also not think of checking with a librarian unless this resource is suggested to them along with other information about public performance rights (PPR).

I began to explore this topic because, as a librarian who is a copyright educator at a higher education institution (HEI), I receive inquiries about campus film screenings. The inquirers are oftentimes undergraduates, who may infrequently seek out the scholarly communication librarian for other reasons. As I began reviewing the literature, I noticed that most detailed analyses of public performance law in relation to audiovisual works were written in the 1980s and '90s, following several cases that illuminated judicial interpretations of "public performance" (Cochran, 1992; Heller, 1992; Kheit, 1999). Since then, major developments have occurred that librarians and other educators should be aware of when supporting campus groups with film screenings, including the TEACH Act (2002) and increasingly popular film streaming platforms that often come with some form of PPR (Farrelly & Hutchison Surdi, 2016).

PPR questions can truly take a village (or a library) to answer. Oregon State University Libraries & Press (OSULP) frequently purchases PPR attached to DVDs, but such an option is not always available. Additionally, OSULP subscribes to a streaming media platform, which includes campus performance rights for thousands of films. Usually PPR questions are routed to me through other library employees, including colleagues who work with campus cultural centers and staff the information desk. I serve as the intermediary between the user and the acquisitions staff, essentially conducting a reference interview in which I help users think through questions such as:

- Is this a situation where I need to procure PPR?
- Can the library or another department provide PPR?
- If not, what company distributes PPR and how do I go about purchasing a license?

Seeking a better understanding of how to reach users who need support with this complex process, I undertook this paper. I provide an overview of the sections from the Copyright Act and case law that are relevant to PPR and motion pictures in non-classroom campus environments. To get a sense of what support is currently available to campus groups on this topic, I reviewed the public websites of the 38 higher educational institutions (HEIs) that are members of the ORBIS Cascade Alliance, a regional library consortium in the Pacific Northwest. My analysis sought to answer the following questions: What campus departments provide information for student groups who want to screen films? What are the similarities and differences between the resources about PPR provided by ORBIS Cascade Alliance member institutions? I highlight some Alliance member resources that might be abstracted out to best practices. I will also discuss ways libraries and library organizations can work together to provide accurate and helpful information on the complex topic of audiovisual public performances.

Legal Basis of Public Performance and Audiovisual Works

It is perhaps axiomatic to note that copyright's 20th century expansions gave rise to an environment in which people routinely violate copyright without specifically understanding how their behaviors are infringing or what the potential risks of infringement are (Tehrani, 2007). Students are unlikely to intuitively recognize that they need permission to publicly perform audiovisual works separate from procuring a legal copy or what a "public performance" may constitute. The need to purchase rights for campus screenings arose from several statutes within the 1976 Copyright Act and was clarified through case law, especially concerning the definition of "public place." Heller (1992) notes that even state-level attorneys general differed over their applications of "public place" to prisons in the decades following the most recent Copyright Act. Thus, creating a policy about PPR that accurately reflects the law and is sufficiently clear and simple for users can be, in Heller's words, a "Sisyphean task."

Exclusive Rights of Copyright Holders

The foundation of rights holders' ability to sell PPR in addition to copies of audiovisual works is laid out in section 106 of the current Copyright Act (17 United States Code §§ 101 – 1332), which lists actions that the copyright holder has the exclusive right to undertake or authorize. These rights are curtailed by specific exceptions outlined in sections 107–122. Subsections 1–3 list exclusive rights that apply to all copyrighted works: reproduction, creation of derivative works, and distribution. Subsection 4 of section 106 additionally specifies the exclusive right to “perform the copyrighted work publicly” for performable types of media (“musical, dramatic, and choreographic works, pantomimes, and motion pictures and other audiovisual works”). Section 101 includes a clear definition of performance that would include screening a film: “To ‘perform’ a work means . . . in the case of a motion picture or other audiovisual work, to show its images in any sequence or to make the sounds accompanying it audible.”

Definitional Challenges of “Public Performance”

Yet the language of section 106 still begs the question: what constitutes performing a work *publicly*? Congress also attempted to define this in section 101:

To perform or display a work “publicly” means—

1. to perform or display it at any place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered;
2. to transmit or otherwise communicate a performance or display of the work to a place specified by clause (1) or to the public, by means of any device or process, whether the members of the public capable of receiving the performances or display receive it in the same place or in separate places and at the same time or different times.¹

The transmission clause has its own history of court interpretation: very briefly, transmissions usually constitute public performances (Townshend, 2003). Since this paper's focus is on (physical) campus film screenings, I will focus on the first clause, which provides us with two additional criteria

1. While it is possible a student group might want to broadcast a public performance, I have so far not encountered this request. I focus on the scenario outlined in clause (1) for the remainder of the article.

for identifying whether or not a performance is public: if a viewing occurs at (1) *at any place open to the public* or (2) *where a substantial number of persons outside of a normal circle of family and its social acquaintances is gathered*. This provides sufficient clarity for some uses (home viewings are not public, while cinemas are), but legal experts have engaged in a substantial debate about how these terms should be interpreted in other cases.

The criterion of “a substantial number of persons outside of a normal circle of a family and its social acquaintances” is difficult to apply to institutional living environments, such as prisons, retirement homes, and schools. While Heller (1992) references mid-20th century sitcom families to posit that four “seems to be the right, or fair number” of users in private library viewing rooms (p. 336), most legal experts or policies in my sample refuse to identify a specific threshold to distinguish public performances from private. In a footnote, Townshend (2003) uses one law review article and two district court cases to tentatively state that “courts seem to be in rough agreement that the threshold for publicness . . . is twenty” (p. 2056). Courts have taken more trouble to analyze the criterion of “public place.” As the *Columbia v. Aveco* (1985) decision stated, statute 106 “does not require that [a] public place be actually crowded.” For, as Townshend (2003) says, “the scope of the public performance right is dictated by the definition of public place” (p. 2053).

Several district court cases further enlighten us about how a “public place” is construed by courts. In *Columbia v. Redd Horne* (1984), a business rented viewing booths with seating for two to four people. An employee at the front desk would initiate the playback of the customer-selected film, which was transmitted over a cable to the customers in the booth. While the court could have simply judged this to be infringement because it was transmitted (violating clause 2), they instead focused on 101(1), creating what Kheit (1999) perceives as “the birth of a new standard to clarify the deficiencies of [sections] 101(1)” (n.p.). Because the *nature* of the booths was similar to that of a movie theater, and because they were rented to a “substantial” number of persons *over time* (what Kheit calls a “quantum” perspective), the court found this business practice to be infringing. The *Redd Horne* ruling was bolstered the following year by *Columbia v. Aveco* (1985). This case again involved a video showcase business, but in this instance the VCR was in a viewing room that held anywhere from two to 25 people. The court found that *Aveco* was illicitly authorizing public performances by “encourag[ing] the public to make use of its facilities for the purpose of viewing” copyrighted works.

In *Professional Real Estate Investors [PREI], Inc. v. Columbia Pictures* (1993), however, the court found that a resort did *not* infringe on PPR when renting videos for guests to watch in their rooms. The “operation

differs from those in *Aveco* and *Redd Horne* because its ‘nature’ is the providing of living accommodations and general hotel services, which may incidentally include the rental of videodisc to interested guests for viewing in guest rooms.”

Kheit (1999) believes that, in these and subsequent decisions, courts have developed and upheld a heuristic for defining “public place” within the context of copyright infringement suits: If no transmission is involved, the question then becomes if the viewing location offers a reasonable expectation of privacy *and* if the nature of the location would allow for “substantial non-infringing uses.” These cases are also relevant because they clarify that purchasing a legal copy of an audiovisual work does not also give the owner of the copy the right to perform the work publicly or authorize others to do so under the first sale doctrine in section 109 of chapter 17 of the Copyright Act (Cochran, 1992).

The *PREI* holding concerning hotel rooms seems like a close analogy to dorm rooms, in that both are “place[s] to live while away from one’s permanent home” and are therefore private. Most campus spaces (classrooms, event halls, and study rooms) are not primarily intended for film screenings and therefore are capable of “substantial non-infringing uses.” However, no “reasonable expectation of privacy” exists in many venues where student groups might screen films. Like the viewing booths in *Redd Horne* and *Aveco*, many campus venues are available to the public either for free or through a fee. Additionally, event organizers may want many students and other members of the public to attend, and encourage such attendance through advertising.

Exceptions to the Exclusive Rights of Copyright Holders

Of course, not all audiovisual works are copyrighted (many have fallen into the public domain or are openly licensed), and as I previously stated, sections 107–122 of the Copyright Act outline circumstances where procuring PPR may not be necessary. The most relevant of these exceptions include fair use (section 107) and section 110 (educational exemptions).

Section 107: Fair use. Heller (1992) has already treated fair use in this context in great detail. Librarians familiar with section 107 might know of or imagine any number of campus scenarios where at least a portion of a copyrighted audiovisual work might be performed publicly in a way that might be transformative (factor 1), use published or factual materials (factor 2), use only the necessary portion of the work to accomplish the transformative purpose (factor 3), and fail to impact the market or potential market for the original (factor 4).

One example might be a film studies student who, as their capstone project, pulls together a series of short clips from many different movies and intersperses commentary that seeks to highlight and subvert the heteronormative bias in a particular genre of cinema. This student or their professor may then want to screen their finished work at the campus pride center or to members of their department. Not only might it be prohibitively expensive or practically impossible for the student to purchase permission for every clip or still included, but the student would likely also have to make copies to accomplish their transformative use and fulfill the faculty member's pedagogical goals. If the student was unaware of fair use, they might surmise, especially from vendor-supplied materials, that they simply could not complete this socially useful and transformative project or share it with their department or club. This scenario reflects the circumstances outlined in Principle Five of the *Code of Best Practices for Fair Use in Media Literacy Education* from the Center for Media & Social Impact (<http://cmsimpact.org/code/code-best-practices-fair-use-media-literacy-education/>).²

Section 110: Education exemption. Both sections 110(1) and 110(2) of the Copyright Act may allow educators to screen lawfully made copies of films or portions thereof without permission. In addition to these educational exemptions, section 110 lists a few other specific exemptions that may be relevant to campus settings, such as transmission to handicapped audiences (110[8] & [9]) or performances held by fraternal organizations to raise funds for a charitable cause (110[10]), but “there is no per se exemption for nonprofit public performance” (Heller, 1992, p. 325), which is a common misperception.

Section 110(1) provides a generous exemption for performances of copyrighted work by instructors and students in nonprofit educational institutions. Entire films can be screened in face-to-face classrooms, provided they serve a pedagogical goal (rather than being for entertainment), the copy being screened is not infringing, and no additional persons are present besides the instructors (including guest lecturers) and students.

Section 110(2) was revised in 2002 when Congress passed the TEACH Act. The TEACH Act complements the face-to-face exception in 110(1) but is less generous to educators and more complicated because it

2. Others documents in this series of community-created codes that are relevant to audiovisual works include The Documentary Filmmakers' Statement of Best Practices in Fair Use, The Society for Cinema & Media Studies' Statement of Best Practices in Fair Use in Teaching for Film and Media Educators, and the Society for Cinema and Media Studies' Statement of Fair Use Best Practices for Media Studies Publishing, and the Code of Best Practices in Fair Use for Online Video. These and other best practice statements can be found at <http://cmsimpact.org/codes-of-best-practices/>.

takes into account copyright holders' concern about the higher potential for piracy and infringement in digital environments: "It represents a compromise between the educational community seeking to protect distance education activities and the publishers and other copyright owners seeking to protect their works" (Ashley, 2004).

Public domain and openly licensed works. It is important that students understand that not all audiovisual sources come with the "all rights reserved" rules that are now the default in copyright law. Public domain (Pierce, 2007) and openly licensed materials (such as Creative Commons) are also potential sources of movies that student groups can use without permission.

Acquiring Rights for Audiovisual Works in Libraries

A growing issue in libraries is the lack of availability of institutional purchasing options for content that is solely distributed on streaming platforms, such as Netflix, Amazon Prime, and Hulu. Original programming or exclusive content from these services can be inaccessible to libraries because they only offer consumer licensing options (W. Cross, 2016). Several broad types of licenses are available for procuring PPR for campus screenings.

PPR attached to streaming media. While libraries and vendors are still figuring out streaming collections, with the attendant confusion over "licensing issues, lack of adequate information technology support, and proprietary formats" (Laskowski & Teper, 2014), such services are on the rise, with 84.5% of academic libraries offering streaming video resources to their users (Farrelly & Hutchison Surdi, 2016). Kanopy (<http://www.kanopystreaming.com/>) is one such collection available to libraries. Streaming media often come with some form of PPR for campus viewings. The drawback to this model is that neither access nor PPR are perpetual, lasting only as long as the library's subscription (Enis, 2015).

One-time licenses. Swank (<http://swank.com/>) is one of the largest licensors of films within educational markets. While Swank now offers a portion of its cataloging for streaming, other films are available via licenses that must be purchased for every showing of a film. Such one-time licenses can range from \$300 to \$1,000 (C. Cross et al., 2014) and, since they are not reusable, fall out of the scope of most library acquisition policies.

Multi-year or perpetual rights attached to physical media. The most established means for libraries to acquire multi-year or perpetual

PPR is along with physical copies of a work, such as DVDs. PBS (<http://teacher.shop.pbs.org/>) provides such licenses, stating that “these videos may be shown in a classroom or screened by a public group, for educational purposes, when no admission is charged for the viewing.” Like “public performance,” “educational purposes” is not a clearly defined term. A liberal interpretation might be that the films can be shown anywhere on campus as long as no admission is charged (C. Cross et al., 2014). While this type of license tends to cost more per use than streaming licenses, and while the accompanying DVD is quickly becoming a dated format, some prefer this option as the most likely to provide perpetual access and rights (Enis, 2015; Laskowski & Teper, 2014).

PPR Information on HEI Public Websites in the ORBIS-Cascade Alliance

Since PPR information is also provided by departments outside of the library on my own campus, I was curious to see if this was the case at other institutions. I also wanted to compare how institutions present this information and if library-acquired PPR is highlighted.

Method

Sample. I chose to look at PPR information on the websites of the 38 libraries in the ORBIS-Cascade Alliance (<https://www.orbiscascade.org/member/>). This academic library alliance represents a mixture of state universities, community colleges, and private institutions in the Northwest. Other scholars have used the Alliance as a nonrandom sample in studies of library GIS services (Gabaldón & Replinger, 2006) and information literacy programs (Phelps, Senior, & Diller, 2011). I chose the alliance because it includes my own university and our regional collaborators and because it represents a mixture of different types of HEI.

Search terms. To identify public performance information within my sample, I performed the following search on Google (<http://www.google.com>) for each institution on May 9, 2017: *site:[institutional subdomain] AND “public performance” AND (rights OR license OR movie OR film)*. A frustrating aspect of Google (for a librarian who enjoys the control of Boolean searching) is its tendency to “help” searchers, such as by decoupling word phrases when no results are found for the original search. This led to additional false positives, which are addressed below.

Analysis. Since my sample was small, I did not use any statistical software beyond Excel in my analysis. Once I identified the relevant results,

I looked through each one to generate a list of common components. I then created a final list, went through each result again to verify a final count of components, and noted any results that I might want to highlight as a best practice. As previously mentioned, some institutions included PPR information within a larger copyright guide or policy. In those cases, I only counted mentions of fair use or public domain when specifically mentioned in the section or page about public performances or when it was explicitly mentioned that fair use applies to performances.

Scope. Institutions provide a spectrum of information and support to their students and other affiliates about PPR. In my review, I included any results that, at a minimum, mentioned that PPR must be procured separately from other copyrights or provided links to resources specifically about PPR (rather than about copyright generally). I did not include results that merely restated the entirety of section 106 of the Copyright Act without further elaboration. Some searches returned false positives, such as academic papers from institutional repositories (irrelevant because they are not intended to inform the campus audience) and mentions of “public performances” in course descriptions in catalogs (most of these did not address the copyright aspects of public performances). These false positives were excluded. Some institutions provided information from several different departments. I counted each of these results separately when discussing the type of information provided, but I also note the overall number of institutions in my sample that have information available on the public web.

While I initially set out to identify and analyze policies related to PPR, I soon realized that limiting my search to results using the word “policy” excluded relevant and helpful information labeled as guidelines, tips, and resources. Additionally, some institutions may more strictly regulate the use of the term *policy* than others. Thus, I include any information that meets the scope in the previous paragraph, but I also identify the works specifically labeled as policies.

Limitations. This review is not statistically meaningful or generalizable. I did not undertake to randomly sample the 4,000+ higher education institutions in the United States. Instead, my limited analysis is intended to see if information about public performance and copyright is provided by multiple departments on campus and what types of information might be provided. Because of the limited sample, my results are also not exhaustive.

Also, this project included only web content that can be indexed by Google (thus, crawlable on the public Web, such as static HTML pages and PDFs that require no login). Many of the institutions that did not have information about PPR on their public pages may have policies or information

available on their intranets, provide it in face-to-face training sessions, or disseminate it by other means.

Appreciative inquiry approach. My approach draws from the appreciative inquiry model, which seeks to value the topic of inquiry by better understanding how it can contribute to human flourishing (Cooperrider, Whitney, & Stavros, 2008). Most HEIs and libraries in the United States cannot afford to hire a copyright specialist, let alone pay a competitive salary for someone with both a library science degree and a JD. Because of these circumstances and the complexity of the law, most academic libraries could improve the information and support they provide surrounding PPR. Thus, I did not find it useful to highlight specific HEI websites as negative examples. I reference some confusing vendor-provided information to discourage librarians from linking to it. I do acknowledge some institutions that provide examples that might be abstracted to best practices.

Results

Twenty-five out of 38 alliance members provided information about PPR on their websites that was in scope. Twenty-nine relevant web resources were identified (since some institutions provided PPR information from more than one department). In my sample, libraries ($n = 14$) and student affairs³ ($n = 12$) were the main departments providing these resources. Two institutions (both community colleges) provided in-scope information from centralized administrative units. In both of these instances, information about PPR was part of a larger campus copyright manual. Singular instances of printing and mailing, university communications, and continuing education departments providing information on this topic were also found.

Twelve results specifically labeled PPR information as a policy or part of a larger policy. Twenty-five results provided definitions of PPR, while the remaining four simply provided links to licensors. A large number (22) of the results referred to the face-to-face teaching exemption (110[1]), while only three specifically referenced the TEACH Act (110[2]). One policy was from 1997 before the TEACH Act was passed in 2002. Three of the relevant pages (all libraries) mentioned fair use specifically in the context of the performance of audiovisual works. Two libraries provided links to the CMSI Codes of Best Practices, in relation to audiovisual works and PPR. Five results specifically mentioned public domain in the context of public performance of audiovisual works. In this case, two of the five results were from

3. Specific department/office names included Student Activities, College Activities & Greek Life, Student Leadership & Involvement, Residence Life, Student Union, and Campus Life.

library pages. Further resources about public domain included links to the Internet Archive, the Library of Congress, and OpenFlix. Seven results specifically addressed the law concerning charging admission, four warned students against advertising any film showings before PPR has been acquired, and three provided an estimate of the cost of acquiring PPR.

Six results provided further resources from nonprofits or educational institutions for students to learn more about PPR. All six of these results were from libraries. Much more common was providing links to rights management companies. Contact information or links to Swank were provided in eight cases, while MPLC was the second most common vendor, with seven mentions. Criterion was mentioned four times, and 13 other studios were mentioned once or twice. In one case, a college had uploaded a PDF brochure from Swank to their student life website providing copyright information about public performances. Sixteen of the results provided contact information within the institution so that students could ask for more help. Such internal contacts included librarians, student affairs personnel, and student advisors.

In three cases, a result mentioned that library materials may come with PPR. Only one of these instances was from outside the library (in Evergreen College's Student Activities Handbook). One library specifically mentioned that they did *not* purchase PPR. In two cases, libraries had identified ways to make this information directly available to students. Central Oregon Community College's Barber Library notes the availability of PPR in their item record of their catalog (<https://www.cocc.edu/library/public-performancerights/>). Whitman College's Penrose Library (<http://libguides.whitman.edu/ppr>) uses Google Docs to list the 900 DVDs and VHS for which they have acquired PPR, as well as noting which of their streaming platforms comes with PPR. Two results from student affairs (at St. Martin's University and Seattle Pacific University) specifically lay out procedures for student groups to request funding for PPR.

Connecting Users with Accurate, Complete Information about PPR

Reach Out to Campus Partners

When I was chatting about this paper concept with a student library employee, the student exclaimed, "I didn't know that was a thing [PPR], so I wouldn't have any idea how to find it on the Web! I would probably just ask my RA." One of the limitations of the website review earlier in this paper is that it only looked at publicly available websites. Institutions should (and likely do) include information about PPR in their internal processes involving room reservations and student leader education. For example, a field on a room reservation form may ask if the event will include a film

screening. Many departments on campus (including the library) may be responsible for room reservations. My analysis indicated that student/campus affairs may also frequently provide information about PPR. Ideally, when students encounter warnings about the need to acquire PPR, they are also provided with internal contacts who can support them, such as library personnel. Because students may encounter many departments on campus in their quest to host a movie screening, an ecological approach, such as *service design* (Marquez, 2015), can provide a model for libraries to work with other campus partners to better serve their students' needs in this area. Service design considers both internal and external stakeholders and touchpoints. Some libraries may already partner with student affairs or have a liaison who works with student groups. For those who do not, collaborating with other departments on campus that provide PPR information may plant the seeds for further partnerships.

Raise Awareness of Library-Purchased PPR and Educational Licenses

Librarians can make the first gesture in such cross-campus collaborations by contacting student affairs professionals with information about library-acquired PPR. My analysis indicated that there may be a disconnect between notifying students of the need for PPR and educating them about the role of the library in collectively purchasing PPR. The 17 non-library providers of PPR information in my sample sometimes provided students with contacts to licensing agencies, or, in two cases, outlined a procedure for seeking university funding for PPR. Only one included information or links about library-acquired PPR.

This disconnect may lead the university or students to pay for rights that have already been acquired collectively. Most libraries likely have some audiovisual resources that are licensed for use in public places. While some rights management agencies may continue to offer only one-time licenses for some titles, streaming is rapidly increasing in popularity, and many streaming services that offer institutional licenses (i.e., Kanopy) include the right to stream in public campus settings.

Two libraries in my sample found ways to make licenses that included PPR transparent to users via the public web. An alternate, and perhaps more common, model is to have a contact in the library who can educate users about the need for PPR, discern if the library has already purchased it, and help students with seeking permission if PPR is not sold to libraries or not compatible with the library acquisition policies (e.g., when only a one-time license is available). Libraries may tend toward this latter model because of the complexity of the law surrounding PPR and the heterogeneous nature of licenses. However, even libraries that choose this model should, as they promote these resources, highlight any attached performance licenses

to raise campus awareness and avoid unnecessary and expensive double payments to licensors.

Choose Sources of Information Carefully

Student affairs professionals, as well as many small- and medium-sized libraries, may be understaffed and lack in-house copyright expertise. One college in my sample filled this gap by providing a pamphlet produced by Swank Films. An updated version of the pamphlet is available on Swank's "Copyright" page for college campuses (<https://www.swank.com/college-campus/copyright/>). Both versions of the pamphlet leave out a number of important points about what university affiliates *can* do without permission or infringement. While information about the educational exception is included, the Swank pamphlet fails to mention public domain or openly licensed, multi-year, or perpetual rights purchased by the library. Both versions of the pamphlet include an FAQ to determine whether a license is needed for "old" movies (or, per the current version, ones that have been out "for many years"). In both cases, the response erases the public domain: "Copyright pertains to all movies regardless of the year it was produced." Public domain movies do indeed exist and are not limited to works published before 1923 (Pierce, 2007). Swank, like MPLC (the second most popular site linked to from HEI websites), is a for-profit company, bound by the nature of their business to be a "license maximalist" (Tehrani, 2007). Heller (1992) notes that rights holders create and distribute materials that promote the interpretation of public performance most beneficial to their profit margins. It is certainly not in rights holders' interests to highlight allowable uses that do not require permission and, thus, do not require fees (p. 316).

Professional development resources for librarians and LIS curricula may emphasize the aspects of copyright law that allow the public to make use of materials for free, either through open licenses, such as Creative Commons, library-acquired PPR, public domain, and fair use, or through educational exemptions (including the TEACH Act, when applicable). Librarians and libraries are part of the educational system, support the university mission, and have created professional standards that balance copyright compliance with advocacy for public access. They, in concert with campus legal experts such as general counsel offices, are more appropriate sources of copyright education than companies whose very existence is dependent on licensing fees.

Provide Information About When PPR Is and Is *Not* Needed

Libraries and their campus partners frequently warn students about the need for PPR. Such admonitions should also explicitly mention when

PPR is *not* needed. Many results in my analysis that summarized PPR also provided information about at least the face-to-face educational issue in clause 1 of section 110. HEIs that are TEACH Act compliant should also provide information about clause 2. Not only are these educational exemptions relevant to students and teachers, but educators may run across this information when searching for information about audiovisual performances and may not be aware of these exemptions. Information about fair use, open licensing, and public domain should be specifically mentioned in the context of PPR, since student audiences are unlikely to thoroughly read an entire copyright manual in their quest to show a movie. Negotiating PPR for a film screening can provide an opportunity for students to be exposed to foundational concepts such as fair use and public domain. An accurate definition of “public place” would also likely be helpful to campus audiences, since the statute itself is not easy to interpret and has been clarified by several court cases.

Future Directions for Community Action and Research

As previously stated, many libraries may lack the time or expertise to create accurate and helpful PPR information. They may turn to vendor-provided sources of information to fill this gap or refer to other libraries’ sites. The academic library community has a history of banding together to address complex issues. ACRL provides toolkits to help busy librarians, who usually must be generalists, draft appropriate privacy policies (<http://www.ala.org/advocacy/privacy/toolkit>) or understand scholarly communication issues (<http://acrl.libguides.com/scholcomm/toolkit/copyright>). Given the sometimes disparate, incomplete, or missing information in my sample, a toolkit with information and suggested components for PPR education (or perhaps copyright policies more broadly) might be warranted. Many libraries do not provide information about the PPR already acquired along with their collections. My analysis did not address *why* this information is not provided, but the complexity of licenses, along with the difficulty of tracking PPR that is not perpetual, may be barriers. Again, libraries have a history of collaborating on tools such as SHERPA/RoMEO (<http://www.sherpa.ac.uk/romeo/index.php>) to track publisher agreements. Collaborating on quick summaries or clarifications of media licenses could help the library community make this information more transparent in their catalogs or elsewhere.

The website review portion of this paper just scratched the surface of the questions that could be asked about how PPR functions on HEI campuses or the methods that could be used to analyze these systems. Other questions include the following: How are students most likely to learn about

the need for PPR? What are academic affairs professionals' and librarians' perspectives on providing PPR information? What do library acquisition policies say about PPR? Such questions could be addressed through surveys, focus groups, or interviews. This area of research is relevant because all librarians, including scholarly communications professionals, are increasingly encouraged to consider the aspects of their jobs that impact the undergraduate experience. Campus groups frequently use film screenings as a way to cohere around important topics and form community. Libraries can support this activity by providing a contact to assist with PPR questions, connecting students directly to information about library-acquired PPR, and educating students about licenses, the public domain, and fair use.

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- 17 U.S.C. 106
- 17 U.S.C. 107
17. U.S.C. 110