



23 May 2012

Film Public Performance Licence

Dear Sir/Madam,

Thank you for your inquiry about public performance screenings. You will need to obtain the permission of the distributor (copyright holder) in addition to meeting other legal requirements as outlined in this letter. Michael Chal, Roadshow PPL, will be able to assist you if the film in question is from any one of the following companies:

Paramount Pictures
Universal Pictures
Walt Disney Studios
Warner Brothers
Roadshow Films
Hoyts Distribution
Hopscotch
Icon
Palace Pictures
Pinnacle Films
Rialto Distribution

You may contact him for assistance at:

Email: roadshowppl@roadshow.co.nz or Phone: +64 (09) 820 8811

For films distributed by Sony Pictures, or 20th Century Fox, the contact details are:

Sony Pictures +64 (09) 366 9484 – Andrew Cornwell

Twentieth Century Fox International Corporation: +64 (09) 309-0957 – Mark Croft
Metro Goldwyn Mayer (MGM)



Detailed information regarding public screenings follows:

General Information on Public Performance Screening Licences

Public performance

Under the Copyright Act 1994, owners of film copyright have exclusive rights to do certain things with their films, including copying, showing or playing a film in public. To screen a film in any format (e.g. 35mm or 16mm; DVD; videocassette; laser disc or use of any form of electronic transmitting device) in public, you need permission of the copyright owner. This applies whether a film or video is shown or intended to be shown in its complete form or only in part.

What constitutes a screening in public?

For the purposes of copyright, a screening of a film outside the home is generally regarded as in public. This extends to screenings in pubs, clubs, hotels/motels, restaurants/cafes, nightclubs, shopping centres, factories, buses/coaches, trains, ferries, and numerous other similar places. Even if the screening is for non-profit organisations, such as churches, permission from the copyright holder is *still* required. It cannot be assumed that permission will be granted as any decision is at the sole discretion of the copyright holder.

Screening in educational establishments

The Copyright Act allows films to be shown at an educational establishment without a licence provided:

- it is shown for instructional purposes; and
- the audience is made up of students, staff or persons directly connected with the activities of the educational establishment

Organisations providing educational instruction for the primary purposes of commercial gain or profit are not exempt from the need to obtain a screening licence.

Films shown in a classroom situation for the purpose of *entertainment*, such as in the circumstance of rained out sports days, before and after school care, industrial disputes, etc., are not included as these are not for the purposes of instruction, *and normal permission must be sought*. Similarly, in boarding schools where any film is shown for entertainment in a group situation (or piped to individual rooms via any closed circuit diffusion system), permission from the copyright owner would be required.

Censorship

Where a film is supplied to you under licence it will be labelled with a classification from the Film and Video Labelling Body Inc. office.

It is the responsibility of the exhibitor to make any persons viewing a film aware of the classification of the film, and to carry out the necessary restrictions to access that may apply to such classifications.

When permission is granted via Roadshow PPL, the certificate will be supplied along with the invoice. In all other cases once you have received permission from the respective distributor who holds rights for the particular title you intend to screen, you need to contact the Film and Video Labelling Body; they can supply you with a certificate and poster which needs to be displayed on the premise before showing any film.



Contact details for the Film and Video Labelling Body – (09) 361 3882.

Application of the Copyright Act in its relationship to copyright warnings on video cassettes

Most DVDs (and videocassettes and laserdiscs etc) carry warnings related to unauthorised public performance and duplication. Such warnings may vary from one distributor to another; however the message is essentially the same under the Copyright Act, performance in any venue other than the domestic home, or in limited circumstances, in recreational establishments, is subject to permission from the copyright holder.

Penalties for Copyright Infringement

Where there has been unauthorised public performance of a film (infringement) the following people can all be liable:

- person or persons who screen the film publicly
- person or persons who authorise the performance but do not have the right to do so.
- person or persons who provide premises for an unauthorised performance.
- person or persons who provide equipment for the performance

Civil Remedies

Copyright owners can sue infringers for:

- an injunction to stop further performances
- compensatory damages;
- additional damages;
- delivery up of the film.

Criminal Remedies

Infringement can also be prosecuted as a crime. Offenders under the Copyright Act are liable to up to 5 years imprisonment and a maximum fine of \$150,000.00.

Availability of material for public performance

The granting of permission for the public performance of copyrighted material in any circumstances is generally at the discretion of the copyright holder, having taken into account any and all commercial interests related to the distribution of the material to its various revenue generating markets. It cannot simply be assumed that because a film is generally available (ie film prints, DVD's, video cassettes and other such devices) that permission for a public performance will be granted. The copyright holder, directly or through his representative, will provide the final decision on any application.

If you should have any further enquires please do not hesitate to contact this office.

Regards,

John Davie
General Manager
Roadshow Entertainment