

What is 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 (eg. 35mm or 16mm; DVD; video cassette; 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 is regarded as public if it is shown outside the home. This extends to screenings in pubs, clubs, hotels/motels, restaurants/cafes, nightclubs, shopping centres, factories, buses/coaches, trains, ferries, and numerous other similar places.
- Permission from the copyright holder is *still* required even if the screening is for non-profit organisations such as churches.
- Permission will be granted at the sole discretion of the copyright holder.

Screening in schools and colleges?

- 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 institution
- Films shown in a classroom situation for the purpose of *entertainment* are not classed as intended for educational purposes *and normal permission must be sought*.

Do the same age restrictions apply to public performance?

- Yes. When conducting a public performance, it is the responsibility of the exhibitor to ensure all audience members are aware of the classification of the film, and to restrict entry to only those permitted by the classification.
- Contact the Film and Video Labelling Body on (09) 361 3882 for further information on classification.

What are the penalties for Copyright Infringement?

- Where there has been unauthorised public performance of a film (infringement) the following people can all be liable:
- Copyright owners (usually movie distribution companies) can sue infringers with a civil suit for:
 - an injunction to stop further performances
 - compensatory damages
 - additional damages
 - delivery up of the film
- 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.

How do you get permission for a public performance?

- You will need to contact the copyright owner (film distributor) directly to obtain a screening licence for one of their films:

Buena Vista International Inc, including Disney: (09) 302 7567 - Bede Stevens

Paramount Pictures Corporation, incl. DreamWorks/Universal Pictures: (09) 379 6269 – Peter Garner

Sony Pictures: (09) 366 9484 – Andrew Cornwell

Twentieth Century Fox International Corporation, including MGM: (09) 309 0957 – Mark Croft

Roadshow Film Distributors, including Warner Bros/Village Roadshow Pictures/New Line: (09) 820 8880

– Lisa Hubbard