**HV Grapevine NEWS – 11 November 2014**

**INFORMATION FROM LL: re in-house films**

1.0

Policy Statement

Copyright and Licensing – Village Movies

Retirement Living

CHECKLIST

1) If a number of residents gather to watch free-to-air TV (like a sporting event) no licence is required

2) If residents choose to watch a movie (rented or purchased by a resident/s) on a screen or large TV in their community centre (common shared area and extension of their home), then no licence is required.

3) If regular screenings of movies are arranged by the village management and a fee is charged for watching the movie, consideration should be given to the need for a licence

4) If a movie is screened in a dedicated theatre and a fee is charged for the movie, a licence will be required unless the copyright period has expired

5) If movies (both rented and owned) are made available through an internal network (in-house TV channel) to individual homes, then a licence will be required unless the copyright period has expired

1.0 Background

This policy specifically relates to movies watched by residents in a retirement villages setting, in their own homes over an in-house TV channel or in communal facilities in a group setting.

2.0 Movies reticulated to Residents’ Units

Some villages have an in-house TV channel on which movies may be screened. Responsibility for obtaining and screening movies may be arranged by the village management or by residents. In both cases a licence may be required, unless the movies are provided by an organisation where licensing requirements have been met.

3.0 Movies shown in Community Facilities

In most villages, movies are shown on a regular basis in village community centres. Most often, the movie screening is

arranged by an interested resident, a group of residents, a social club or a residents’ committee. Residents do not pay to watch the movie and generally only a small number of interested residents attend. Village management may support or assist residents arranging such movie screenings in a communal setting. Movies are not viewed by members of the general public. Under these circumstances, no licence is required to show the movie.

4.0 Ownership of Movies

Movies may be rented, purchased or provided by residents from their private collections. No matter how the movie was acquired, copyright laws may apply when the move is screened to an audience of residents in a retirement village setting.

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5.0 What the Australian Copyright Council has to say

The Australian Copyright Council offers the following advice in their information sheet G031v1.8 found on [info@copyright.org.au](mailto:info@copyright.org.au) Screening of a film in a retirement village, nursing home or boarding house. In managed or communal residences there is not always a clear line between a public and a private screening. As a practical approach, the less officially organised a screening is, the less likely it is to be “public” and to require permission. Residents of a retirement village who buy or hire a video or DVD to watch by themselves or with a few friends, as they would in a private home, will not normally need permission for the screening.

On the other hand, if the management of a village, house or boarding house organises a screening of a film for residents, this is more likely to be “public”. In such situations, the DVD or video should be hired from an outlet that can authorise “public”screening.

If DVDs and videos are reticulated from a central player to several rooms, you will need to check that you get permission covering this “communication”.

6.0 Obtaining a licence to show movies

Movies may be rented from organisations where licensing requirements for public screenings have been met. We are currently looking into ways in which a licence may be obtained to show movies on an in-house TV channel.

7.0 Debunking a 50 year myth

The general rule is that copyright in cinematograph films made on or after 1 May 1969 subsists for 70 years after the end of the calendar year of first publication. Films made before 1 May 1969 are often still protected by copyright as a ‘dramatic work’ for the duration of the author’s life plus 70 years (if the author of the work died after 1 January 1955). Many classic films fall within this category as their authors (e.g. directors) died after 1 January 1955 and are therefore still protected by copyright.

For example a film such as CASABLANCA which was first released in 1942 was directed by Michael Curtiz who died in 1962; hence we consider that the copyright in this film as a dramatic work will still subsist until 2032.”

Alan Stirling Deborah Searle

R.C. Chairman Manager

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