



Copyrights and Permission to Use: Music, Movies and More

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Copyright Law

Title 17 USC 101-1332

A copyright owner has the exclusive right to reproduce, distribute, prepare derivative works and perform the work publicly or authorize another to do so. 17 USC §106

Literary Works

Art Works

Motion Pictures and other Audiovisual Arts

Music and Sound Recordings



Copyright Law and Music

There are 3 types of licenses available
depending on the type of use

Mechanical

Synchronization

Performance



Public Performance of Music

Performance of a work publicly
(17 USC §101)

Music performed at festivals, fairs and concerts
Employee parties and functions
Elevator music
Telephone Hold Music



Performing Rights Organizations

- Broadcast Music, Inc. (BMI)
(www.bmi.com)
- American Society of Composers, Authors and Publishers (ASCAP)
(www.ascap.com)
- SESAC
(www.sesac.com)



Public Performances

When might a license be needed?

- For events held and organized by a Port
- For events where a Port holds an event but it is organized by a Promoter
- For events on port property put on by a third party with no participation by the Port



Copyright Liability Exemptions for Certain Performances

- “Fair Use” (17 USC §107)
Use of copyright material for the purpose of criticism, comment, news reporting, teaching, scholarship or research
- Statutory Exemptions (17 USC §110(4))
A license is not required for a public performance of a musical work where the event involves no commercial advantage or private profit

Movie Nights

Are also Public Performances

- Movies shown to a group of people larger than a family circle
 - Employee movie nights
 - Summer movie nights in the park





Public Movie Showings

Types of Licenses Available

Full Licensing – License for one movie, one showing

- Swank Motion Pictures (www.swank.com)
- Modern Sound Pictures (www.modernsoundpictures.com)

Umbrella Licensing – Multiple Titles, Unlimited Showings

- Movie Licensing USA (www.movielic.com)
- Movie Picture Licensing Corporation (www.mplc.com)



Release Agreement for Employees participating in film, videos or marketing materials

- Permission to record employee, including appearance, likeness, image and voice
- Specific to a known production, not a “catch all” release for any project
- Include use for advertising and publicity of the production
- Employee releases all claims for invasion of privacy, defamation or misappropriation arising out of use of the production
- No termination of the agreement once employee appears in the production or recording



License Agreements for Filming Contracts

Issues to Address in the Agreement

- Confirm ownership of trademarks (use exhibit to attach samples of the marks), grant permission to use for stated purpose, and payment of license fees
- Limit or exclude merchandising rights of products using trademarks
- Permission to access property, port's right to suspend filming
- Permission to film and use likeness of employees, any cooperation or tasks to be performed by port personnel
- Right to review and comment on production prior to publication
- Insurance and indemnification and other standard contractual terms
- Filming schedule