

# Feature Film License Proposal

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## Appendix 1 – Draft Film License Procedure

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For the Kwantlen University College Student Association

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(Rev 3., July 13, 2005)

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July 13, 2005

Kwantlen Student Association – Board of Directors  
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Surrey, BC V3W 2M8

Dear Board of Directors,

Attached is a proposal regarding acquiring a feature film license that was originally drafted for the previous Board of Directors and presented in the Fall of 2004 and approved at a January, 2005 meeting of Council.

I still believe Council's January, 2005 decision to go with the no-admission charge, ACF Films proposal at a cost of approximately \$2,500 was a good one; although I still strongly advocate going to the next level by finding an additional \$1,500 and acquiring the license that would allow the license itself to become cost-recovery as well as a fundraising tool for various on-campus student groups.

As further outlined in the report, I believe that to move forward and show films without acquiring a license puts the KSA in a potentially damaging legal liability. Without this license we are not able to show films on campus in the lounges, as the University College's educational license does not permit it.

As such, it is my hope that the Executive Board will swiftly follow through in implementing the January decision that would allow Campus Councils, Liaisons, Clubs and Student Groups to screen films at their leisure, and help in greatly increasing student life for everyone on campus and I would further recommend that they amend the proposed agreement as sent to us by ACF to have the license in effect from September 1, 2005 until August 31, 2006.

Respectfully submitted,

Steven H. Lee



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## I. Why do we need a licence?

The ability to show films on campus can allow us to...

- Utilize the great screening equipment in the lounges and in the conference centers;
- Show feature films on campuses from most major studios anytime, anywhere on campus;
- Help build student life and involvement on campus, thereby helping to fulfill the KSA's constitution and mission statement, as well as Kwantlen University College's ends for enhancing the Kwantlen experience;
- Help create discussion surrounding current topical events and happenings;
- Enhance and expand current KSA-themed events (such as Diversity Month, Welcome Weeks, Orientations, the Environmental Fair and the Career Fair) and even develop new ones (such as Academy Award Week; Classics Week; Documentary Week; Romance Week) by showing films and documentaries related to specific areas of interest; *and*
- Allow campus councils, liaisons, clubs and programs a vehicle for fundraising.

There have been some suggestions for getting around licensing, including:

- Getting teachers to sponsor screenings. While this should be done in the future, to help generate interest in screenings and to help facilitate discussion, it is not always economical for a number of reasons, including:
  - It limits the kinds of films that could be shown; *and*
  - It limits the location of where films could be screened (under the Kwantlen educational licence films cannot be shown in lounges).
- Getting involved with local theatres by organizing "Kwantlen screenings." Another noble idea, however:
  - The KSA often has difficulty organizing its own events on-campus;
  - Theatres do not let you have their space for free – up front rental fees and attendance guarantees are often required; *and*
  - Licensing fees still have to be paid.

Finally, according to the [Canadian Copyright Act](#)...

- All public presentations of copyrighted VHS/DVD movies must be licensed with a rights representative such as Audio Cine Films Inc;
- Pre-recorded home VHS/DVD movies (commonly available in retail or rental stores) are intended for personal, home use only.
- All viewings outside the home and/or within public organisations (business and government) require a license granting specific authorization.

The Canadian Copyright Act applies in all cases, even if films are obtained from personal collections, rented or purchased in stores, or brought in by members.

A copy of the Act can be found online at:

<http://laws.justice.gc.ca/en/C-42/>

A guide to copyrights can be found online through the Canadian Intellectual Property Office, an Agency of Industry Canada:

<http://www.cipo.gc.ca/>

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## II. Where Are Licenses Required?

Among many others, the following organisations do require licensing under Canadian law...

- K-12 schools & school boards;
- Churches & religious organisations;
- Colleges & universities;
- Student organisations & dormitories;
- Public libraries;
- Daycare & kindergartens;
- Hotels, motels & resorts;
- Health care facilities;
- Transportations services;
- Museums & science centres;
- Private campgrounds & summer camps;
- Provincial parks & facilities;
- Stores, shops & businesses;
- Military & governmental facilities;
- Correctional institutions;
- Conference centres & sports venues;
- Municipal facilities;
- Restaurants & bars; *as well as*
- Films societies & clubs.

Without obtaining the proper license (s), you or your organisation may be in violation of the Canadian Copyright Act and subject to substantial civil and/or criminal penalties.

The Copyright Act states that a person found guilty of infringement of public performance, may be fined or imprisoned or both.

### **Ignorance of the law is not a defence.**

Many people can be held accountable when breaking The Copyright Act. For example,

- In the case of the K-12 system, the school's principal, the teacher, the media technician and the school board can all be held liable, depending on their involvement.

- In the case of the KSA, the KSA itself could be held liable, as well as organizers of the screening (a campus director, the campus council business office staff, the General Manager, the Financial Administrators, Executives) and even Kwantlen University College itself could be held liable.

**In short, it has been practice that every individual  
"involved" in the violation is liable.**

The Canadian Copyright Act lists remedies for copyright holders as listed in the act:

<http://laws.justice.gc.ca/en/C-42/39539.html>

And such remedies include fines varying in range from \$500 to \$20,000, plus costs and in some cases even imprisonment.

On their website, Audio Cine Films notes that:

*“Public performance VHS/DVD copyright site licenses are required for all student associations and campus organisations that present, or wish to present copyrighted movies. All non-educational VHS/DVD film presentations occurring in schools, colleges and universities (student association offices, bars, restaurants, dormitories, etc...) must be licensed with a rights representative such as **Audio Cine Films Inc.***

*Without obtaining the proper license (s), you or your organisation may be in violation of the Canadian Copyright Act and subject to substantial civil and/or criminal penalties.*

*Different types of film rentals and/or public performance VHS/DVD copyright license are available for college and university student associations (as follows...).*

**Annual Public Performance VHS/DVD Licenses**

*Annual licenses that allow for the unlimited presentation of VHS/DVD titles from the studios we exclusively represent in Canada without infringing upon the Canadian Copyright Act.*

*Special licensing arrangements may include regular VHS/DVD titles, or a combination of regular titles with pre-release VHS/DVD title selections.*

**Pre-Release VHS/DVD Titles**

*Selected titles available in VHS/DVD format several months or weeks before they are release in retail and video rental outlets. Prices begin \$200 + taxes and transports, but may vary according to the specifics of your presentation (s).*

**35mm Projector Film Presentations**

*A vast selection of titles are available in 35mm format ideal for special events and back-to-school presentations. Special all-in-one arrangements that include complete projection services are available.”*

Kwantlen University College does have an educational licence, but...

- showings must be directly related to the classroom; and
- the license restricts where you can show films on campus.

The following information is per e-mail from the library, per November, 2003:

*"All videos shown at Kwantlen must have Public Performance Rights. The Library purchases Public Performance Rights for the videos held in the Kwantlen Library so they can be shown in the classroom (which is considered a public performance site).*

*A large number of Feature Films can also be shown in the classroom because Kwantlen has entered into a Feature Film Licence with two major distributors of Feature Films. Under the terms of our licence Kwantlen has the right to "conduct public non-theatrical, non-commercial screenings of the feature film videos, DVDs and laserdiscs" produced by select studios and producers (as outlined in the Feature Film brochure available both in print and online through the Library Home Page). The purpose of the licence is to allow Feature Films to be shown in a classroom setting in direct association with a course or lecture.*

*Under the terms of our licence there are certain conditions attached to showing Feature Films. The licence is meant to cover regular educational purposes in standard VCR and DVD formats.*

*Non-educational use is NOT covered. An example of non-educational use and thus NOT permitted under the licence would be the showing by the Student Association of "Halloween" on October 31st as a social event.*

*All presentations must be free of charge and devoid of 'entry fees'.*

*All presentations are for the sole benefit of the university college's faculty and students. Screenings to the general public or by invitation to the general public in any form, way or shape are not permitted.*

*All presentations occurring in non-educational venues such as restaurants, bars, social clubs, student union clubs or any commercial establishment are strictly forbidden. This showing feature films in the Student Association Lounge is not permitted under our licence.*

*The licence covers the use of videos, DVD or laserdisc but not digital rights or exhibition on the Web.*

*Only films covered by the distributors listed in the brochure can be shown.*

*Films can be rented from a video store or borrowed from a library but only legal copies may be shown. It is the responsibility of the person showing the video to check the list of distributors to see that the distributor of the video is covered under our licence.*

*If a Feature Film is to be shown in connection with an event such as Diversity month there is still a need for the films used to be educational in nature (not just entertainment) and must have a course/educational tie-in. For example, having a Faculty member introduce the film or series and relate it back to course content would satisfy the conditions of the licence. The venue must also be considered when showing these films---showing in a classroom is the recommended location.*

*The above outlines the conditions for showing a Feature Film under the terms of our licence and it is hoped that the licence will cover the majority of cases when a Feature Film is to be shown. However, there may still be circumstances when there is a desire to show a film not covered under our licence and this may be possible. On a case-by-case basis the Library could try to obtain permission for a single showing of a film. Generally there is a charge of \$100 per showing (or more) to obtain the Public Performance Rights that are necessary."*

More information online: <http://www.kwantlen.ca/library/Services/av.html#feature>

### III. Two Types of Licenses...

Provider and Plan Description	Cost WITHOUT Ability to Charge Admission	Cost WITH Ability to Charge Admission
<p>1. ACF Films</p> <ul style="list-style-type: none"> <li>• Unlimited access to regular VHS / DVD titles (video clubs, retail stores, etc.)</li> <li>• Unlimited access to any and all pre-release titles (according to availability)</li> <li>• Free publicity and posters for each film</li> </ul> <p>Any licence issued to our organization will cover all campuses and conference centers, and would cover all related student activities provided that all presentations are free of charge.</p> <p><a href="http://www.acf-film.com/">http://www.acf-film.com/</a></p>	<p style="text-align: center;">\$2,430</p> <p style="text-align: center;">(\$0.25 per student on an FTE count of 9,720 as of March 31, 2004)</p> <p>This quote considers being able to show in the lounges, as well as in one classroom per campus, as well as the conference centers in Richmond and Surrey as well as the auditorium in Langley as laid out on page two of this document.</p>	<p style="text-align: center;">\$3,888</p> <p style="text-align: center;">(This would add about \$0.15 cents per FTE per year)</p>
<p>2. Criterion Pictures</p> <ul style="list-style-type: none"> <li>• Unlimited access to regular VHS / DVD titles</li> <li>• 4 leased Super VHS Players which play premier videos shipped in from Criterion (Shipping &amp; Handling is extra)</li> </ul> <p><a href="http://www.criterionpic.com/">http://www.criterionpic.com/</a></p>	<p style="text-align: center;">\$3,400</p> <p style="text-align: center;">(\$0.35 per FTE)</p> <p>This quote limits us to the lounges.</p>	<p style="text-align: center;">\$6,000</p> <p style="text-align: center;">(\$0.60 per FTE)</p> <p>This quote considers being able to show in the lounges, as well as in one classroom per campus, as well as the conference centers in Richmond and Surrey as well as the auditorium in Langley as laid out on page two of this document.</p> <p>This is an exclusivity offer, tied to the 100 titles. If we choose not to be exclusive, it will still cost the same.</p> <p>We would track our box office and showings. If we don't make back \$6,000 can get lower price next year.</p>

SOCAN has a general music license that can cover lounges, and I am waiting to hear back from them. We most likely will not need one, as you do not need a license to play radio and we no longer have a jukebox in Surrey.

They have a sheet that you fill out for movie presentations, and you FAX it back to them and they charge you based on how many were in attendance (it's a flat per student fee, so if 20 people are in attendance you pay like \$6 or about \$0.30 a head). I am unsure of whether or not licensing would apply to Karaoke. This would have to be investigated.

#### IV. On-Campus Seating Specifications...

The following on-campus locations have been identified as areas where films could be shown during the year.

##### *Langley Campus...*

Location	Number of Seats
KSA Lounge	15 – 20
One Classroom	35
Auditorium (not to book – probably only accessible a few times per year)	250 stadium style seating

##### *Newton Campus...*

Location	Number of Seats
KSA Lounge	30 – 35
One Classroom	35

##### *Richmond Campus...*

Location	Number of Seats
KSA Lounge	20 – 30
One Classroom	35
Conference Center Side A	65 Maximum when setup for theatre style seating
Conference Center Side B	180 Maximum when setup for theatre style seating

##### *Surrey Campus...*

Location	Number of Seats
KSA Lounge	75 – 100
One Classroom	35
Conference Center Side A	150 Maximum when setup for theatre style seating
Conference Center Side B	70 Maximum when setup for theatre style seating

Seating capacity information from online: <http://www.kwantlen.ca/facilities/booking.html>

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## V. FTE & Student Headcount Information...

According to the audited enrolment statement of Kwantlen University College for the year ended March 31, 2004, *Kwantlen University College had an actual total FTE enrolment of 9,720.*

The unduplicated Spring 2004 (January 1<sup>st</sup> through April 30<sup>th</sup>, 2004) student count, as presented in a May 2004 Kwantlen University College Institutional Analysis and Planning Report, is as follows:

<b>Spring 2004 Students</b>		
Full Time (9 credits or more)	7,608	(70%)
Part Time (Less than 9 credits)	3,226	(30%)
<b>Subtotal in Credit Courses</b>	<b>10,834</b>	<b>(100%)</b>
Students in Zero Credit Courses (Vocational / Career Prep)	1,205	
<b>TOTAL UNDUPLICATED STUDENT COUNT</b>	<b>12,039</b>	

The same May 2004 Kwantlen University College Institutional Analysis and Planning Report broke the number of students down by campus as follows:

<b>Spring 2004: Unique Student Count Within Campus (% of Total Students (12,039) Shown In Brackets)</b>	
Langley	2,364 (20%)
Newton	707 (6%)
Richmond	5,032 (42%)
Surrey	5,999 (50%)
Online	242 (2%)
Offsite	186 (2%)

The Fall 2003 Unique Student Count is as follows:

<b>Fall 2003: Unique Student Count Within Campus (% of Total Students (13,075) Shown In Brackets)</b>	
Langley	2,527 (19%)
Newton	802 (6%)
Richmond	5,425 (41%)
Surrey	6,240 (48%)
Online	163 (1%)
Offsite	485 (4%)

For fall 2003, there were 5,256 Males (40%) attending Kwantlen University College, and 7,782 Females (60%). 37 were unknown (< 1%).

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## VI. Breakdown of Costs...

Should we charge money? Charging money would allow us to do two things...

1. To help make the licenses be cost-recovery; *and*
2. To allow the KSA, clubs and programs to fundraise by having premiere screenings with an entrance fee.

Lets say...

- That the licensing will cost us \$12,000; *and*
- We have a number of premier video screenings or even just regular screenings (I own 930 DVDs, so lets say we show some of those as well) throughout the year on each campus; *and*
- We charge a \$3 entrance fee.

Lets say 30 people attend each screening.

That would mean we'd have to have 134 screenings per year to make up the \$12,000 needed to get licenses with both Criterion and ACF.

Now, break that down a little bit more.

*134 screenings seems like a lot, but it would only mean 12 screenings per month (divide by 12), which would mean only 3 screenings per campus per month.*

### **This is doable.**

The shipping & handling, and the SOCAN fee are not included in the breakdowns provided. Campus councils could probably budget for this, or it could be factored into the price charged per person.

For charging for any movie, I would not recommend going above \$6.

The following few pages presents a breakdown of how many screenings we would need to have per campus per month depending upon what price we charge and how many people attend each screening.

Here is the equation used to get the various breakdowns...

$$\$12,000 / \text{Cost per screening} = \text{break even point} / \text{number attending} = \text{number of screenings required to reach break-even point} / 12 \text{ months per year} = \text{number of screenings per month} / 4 \text{ campuses} = \text{number of screenings per campus per month}$$

**A. Breakdown of \$1 per screening...**

Number Attending	Number of Screenings Required to Break-even	Number of Screenings Per Campus Per Month
15	800	17
20	600	13
<b>25</b>	<b>480</b>	<b>10</b>
<b>30</b>	<b>400</b>	<b>9</b>
35	343	8
40	300	7
45	267	6
50	240	5
60	200	5
75	160	4
100	120	3

**B. Breakdown of \$2 per screening...**

Number Attending	Number of Screenings Required to Break-even	Number of Screenings Per Campus Per Month
15	400	9
20	300	7
<b>25</b>	<b>240</b>	<b>5</b>
<b>30</b>	<b>200</b>	<b>5</b>
35	172	4
40	150	4
45	134	3
50	120	3
60	100	3
75	80	2
100	60	2
125	48	1

**C. Breakdown of \$3 per screening...**

Number Attending	Number of Screenings Required to Break-even	Number of Screenings Per Campus Per Month
15	267	6
<b>20</b>	<b>200</b>	<b>5</b>
<b>25</b>	<b>160</b>	<b>4</b>
<b>30</b>	<b>134</b>	<b>3</b>
35	115	3
40	100	3
45	89	2
50	80	2
60	67	2
75	54	2
100	40	1

**D. Breakdown of \$4 per screening...**

Number Attending	Number of Screenings Required to Break-even	Number of Screenings Per Campus Per Month
15	200	5
20	150	4
<b>25</b>	<b>120</b>	<b>3</b>
<b>30</b>	<b>100</b>	<b>3</b>
35	86	2
40	75	2
45	67	2
50	60	2
60	50	2
75	40	1
100	30	1

**E. Breakdown of \$5 per screening...**

Number Attending	Number of Screenings Required to Break-even	Number of Screenings Per Campus Per Month
15	160	4
20	120	3
<b>25</b>	<b>96</b>	<b>2</b>
<b>30</b>	<b>80</b>	<b>2</b>
35	69	2
40	60	2
45	54	2
50	48	1
60	40	1
75	32	1
100	24	1

**F. Breakdown of \$6 per screening...**

Number Attending	Number of Screenings Required to Break-even	Number of Screenings Per Campus Per Month
15	134	3
20	100	3
<b>25</b>	<b>80</b>	<b>2</b>
<b>30</b>	<b>67</b>	<b>2</b>
35	58	2
40	50	2
45	45	1
50	40	1
60	34	1
75	27	1
100	20	1

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## VII. What kind of titles could be shown?

After reviewing what titles we could show, it'll be a good license, covering about half of the major studios out there that distribute films.

For example, the following page lists just some of the 1,000+ films that I own that we would be able to show on campus with the ACF license...

### A. Paramount Pictures ( <http://www.paramount.com/homeentertainment/> )

**Titles:** Apocalypse Now; Apocalypse Now Redux; Beavis & Butthead Do America; The Bellboy (1960); Boomerang; Brain Donors; Breakfast at Tiffany's; Catch-22; Changing Lanes; Cinderella (1960); Days of Thunder; The Dead Zone (1983); The Disorderly Orderly (1964); Enemy at the Gates; Errand Boy (1961); The Explorers; Face/Off; Fatal Attraction; Ferris Bueller's Day Off; The Firm; Flashdance; Focus; Footloose; Frankie & Johnny; Forrest Gump; Gallipoli; The Gift; The Godfather; The Godfather: Part 2; The Godfather: Part 3; Grease; The Hours; The Hunted; Indiana Jones & the Raiders of the Lost Ark; Indiana Jones & The Temple of Doom; Indiana Jones & The Last Crusade; The Italian Job (1969); The Italian Job (2003); Man on the Train (French); The Man Who Shot Liberty Valance; The Manchurian Candidate (2004); Marathon Man; Martin Lawrence: Live – Runteldat; Mean Creek; The Naked Gun; The Naked Gun 2 ½: The Smell of Fear; The Naked Gun 3 ¾: The Final Insult; A Night at the Roxbury; Nobody's Fool; Northfolk; The Nutty Professor (1963); The Odd Couple; Once Upon a Time in the West; Ordinary People; Peanuts Collection: It's the Great Pumpkin Charlie Brown; You're Not Elected Charlie Brown; Mayflower Voyagers; A Charlie Brown Christmas; It's Christmastime Again Charlie Brown; I Want a Dog For Christmas, Charlie Brown; Charlie Brown's Christmas Tales; A Place in the Sun; Planes, Trains & Automobiles; Rat Race; Roman Holiday; Romeo & Juliet (1968); Saturday Night Fever; Serpico; Soapdish; South Park: Bigger Longer, Uncut; Star Trek: The Motion Picture; The Wrath of Khan; The Search for Spock; The Voyage Home; The Final Frontier; The Undiscovered Country; Generations; First Contact; Insurrection; Nemesis;

Cheers (TV-Show Seasons); Honeymooners (Paramount / CBS); South Park, Season 3 and on; Star Trek TV Shows;

### B. Paramount Classics ( <http://paramountclassics.com/> )

**Titles:** My First Mister

### C. Nickelodeon Entertainment

I own nothing by Nickelodeon Entertainment (sorry – I just haven't had the time to get into the Spongebob craze).

### D. Republic Pictures / Spelling Films

**Titles:** Bound; High Noon

**E. Alliance Atlantis / Artisan Entertainment / Fine Line Features / Focus Features / Miramax / New Line Cinemas / USA Films**

( <http://www.allianceatlantisfilms.com/> ; <http://www.finelinefeatures.com/> ; <http://www.miramax.com/> ; <http://www.newline.com/> )

**Titles:** About Schmidt; L'Adversaire (French); Austin Powers: International Man of Mystery; Austin Powers: The Spy Who Shagged Me; Austin Powers: Goldmember; Bad(der) Santa; The Barbarian Invasions; Being Light (Freeology 3: Spirit – French); The Big One; The Blue Butterfly; Boogie Nights; Born in Absurdistan (German / Turkish); Bounce; Bowling for Columbine; Bridget Jones's Diary; The Business of Strangers; The Celebration (Danish); Chasing Amy; Chaos and Desire (French); Chicago; City of God (Brazilian Portuguese); Clerks; Clerks: Uncensored; Cold Mountain; Dangerous Liaisons (2003 – French); Dirty Dancing; Dumb & Dumber; Dummy; The Atom Egoyan Collection: The Adjuster / Calendar / Exotica / The Sweet Hereafter / Felicia's Journey; Elf; The English Patient; Fahrenheit 9/11, Far From Heaven; 15 Minutes; Flower & Garnet; Frida; Formula 51; Four Rooms; From Dusk Till Dawn; Gangs of New York; Gaz Bar Blues (French); Gregoire Moulin Vs. Mankind (French); Gosford Park; Gulliver's Travels; Hamlet (2000 – Hawke); Head Above Water; Heart of Stone (French); Heavenly Creatures; Hero; High Art; His Secret Life; How My Mother Gave Birth To Me During Menopause (French); The Human Stain; I am Sam; In the Bedroom; Intermission; Iron Monkey; Irreversible; It's A Wonderful Life; Jackie Brown; Jay & Silent Bob Strike Back; Jean Moulin: A Hero's Destiny (French); The Juniper Tree (French); Kill Bill: Vol 1; Kill Bill: Vol 2; L.I.E.; Loaded Weapon 1; Lost In La-Mancha: The Unmaking of Don Quixote – A Cinematic Spectacle that Became One; Lost in Translation; Lovers (French – Freeology 1: Love); Luna Papa (Russian); Magnolia; The Man Who Wasn't There; Maria Full of Grace (Spanish); Maybe Baby; Memento; Movern Callar; My Life Without Me; On Golden Pond; The Others; Owing Mahowny; Pi; Return of the Pink Panther; The Player; Pulp Fiction; The Quiet American; Rabbit-Proof Fence; Requiem For A Dream; Reservoir Dogs; Ripley's Game; Roger & Me; Roger Dodger; Seducing Doctor Lewis (French); Seven; The Shape of Things; Shaun of the Dead; Shine; Songs from the Second Floor (Sweedish); Sophie's Choice; State & Main; Stardom

The Blind Swordsman: Zatoichi (Japanese); Bullets Over Broadway; Personal Journey with Martin Scorsese Through Film; Shakespeare in Love;

**F. MGM Studios / Orion Pictures / United Artists**

( <http://www.mgm.com/> ; <http://www.unitedartists.com/> )

**Titles:** Across 110<sup>th</sup> Street; Annie Hall; The Apartment; Benny & Joon; The Birdcage; Black Momma, White Momma; Blue Sky; Boxcar Bertha; Boxing Helena; A Bridge Too Far; Bull Durham; Cadillac Man; Canadian Bacon; A Chorus Line; Clifford (Martin Short); Code 46; Coffy; The Cotton Club; CQ; Crimes and Misdemeanours; The Crocodile Hunter: Collision Course; Dark Blue; Delta Force; Desperately Seeking Susan; Dirty Rotten Scoundrels; Escape from New York; Fargo; The Fiddler on the Roof; A Fistful of Dollars; For a Few Dollars More; Four Weddings and a Funeral; Foxy

Brown; Get Shorty; The Graduate; The Great Escape; The Greatest Story Ever Told; Guys and Dolls; Hair; The Handmaid's Tale; Hang 'em High; Hannah and her Sisters; Hannibal; Henry V; Honeymoon in Vegas; Igby Goes Down; In the Heat of the Night; It's A Mad, Mad, Mad World!; Kalifornia; The Killing; Killing Me Softly; Kingpin; Leaving Las Vegas; The Lover; Mad Max; The Manchurian Candidate (1962); Men at Work; Mississippi Burning; Nicholas Nickleby; No Way Out; On Her Majesty's Secret Service; Original Sin; Overboard; Paths of Glory; The Party; Personal Velocity; Pieces of April; The Pink Panther; A Shot in the Dark; The Pink Panther Strikes Again; Revenge of the Pink Panther; Platoon; The Princess Bride; Prizzi's Honor; The Producers; Raging Bull; Rain Man; Richard III (McKellen); Rob Roy; Robocop; Rocky; Ronin; Salvador; Shadows & Fog; Sheba, Baby; Showgirls; Some Like It Hot; Spaceballs

#### **G. TVA Films / Seville Pictures**

**Titles:** Better than Chocolate; Decline of the American Empire; Happy Accidents; Emile; Eye of the Beholder; Happy Accidents; Kandahar (English / Farsi); Lost & Delirious; The Madness of King George; The Man From Elysian Fields; Osama (Dari / Pashtu); The Pianist; Rain; Run Lola Run

#### **H. Universal Studios / Polygram Filmed Entertainment**

( <http://www.universalstudioscanada.com/> )

**Titles:** About a Boy; Animal House; Apollo 13; Babe; Babe: Pig in the City; Back to the Future Pt 1; Back to the Future Pt 2; Back to the Future Pt 3; Battlestar Galactica: 2003 Miniseries; A Beautiful Mind; Billy Elliot; Blood Simple; Blue Sky; The Bourne Identity; The Bourne Supremacy; Bowfinger; Bruce Almighty; Cape Fear (1961); Cape Fear (1991); Casino; Charade; Dawn of the Dead (2004); Day of the Jackal; Dead Men Don't Wear Plaid; Elizabeth; Erin Brokovich; The Fast and the Furious; 2 Fast 2 Furious; The Game; Goldfinger; The Good, The Bad and the Ugly; Hitchcock – Shadow of a Doubt; Rope; Rear Window; The Man Who Knew Too Much; Psycho; Topaz; Family Plot; Saboteur; Trouble With Harry; Vertigo; The Birds; Marnie; Torn Curtain; Frenzy; Intolerable Cruelty; Jaws; The Jerk; Johnny English; Jurassic Park; K-Pax; The Lonely Guy; The Lost World: Jurassic Park; Mallrats; MARX BROS: The Cocoanuts; Animal Crackers; Monkey Business; Horse Feathers; Duck Soup; Meet Joe Black; Meet the Parents; Midnight Run; The Mummy; Nurse Betty; Nutty Professor 2: The Klumps; Primary Colors; Psycho (1998); Red Dragon; Seabiscuit; War of the Worlds (2005)

Law & Order (TV-Show); Law & Order: Criminal Intent (TV-Show); Law & Order: Special Victims Unit

#### **I. Mongrel Media (Sony Picture Classics)**

**Titles:** All the Real Girls; Auto Focus; BAADASSSSS!; Bon Voyage; Broken Wings; The Cuckoo (Russian); Facing Windows; The Fog of War; Go Further!; The House of Mirth; In the Company of Men; The Legend of Suriyothai (Thai); Levity; Marion Bridge; Once Upon a Time in the Midlands; Past Perfect; Pollock; Respiro; sex and lucia; Spring, Summer, Fall, Winter & Spring (Korean)

## **J. Warner / Turner (Pre-1986 MGM Titles)**

**Titles:** Ben Hur; Doctor Zhivago; Mr. & Mrs. Smith; North by Northwest; Lolita (1962); 2001: A Space Odyssey; MARX BROS: Night at the Opera; Day at the Races; Go West; The Big Score; Network; Singing in the Rain

## **K. WNET**

**Titles:** Hamlet (1990 – Kevin Kline)

**Some Upcoming New Theatrical Releases include:** Meet the Fockers; Finding Neverland; Beyond the Sea; Ray; Hotel Rwanda; Motorcycle Diaries; Team America; Vera Drake and much more....

I'm going to work on a possible schedule of showings for the term in Richmond, based on a mix of the older stuff above, and a few new titles. I'm very excited about the possible licence!

ACF Films has a searchable database of available movies online at its website:

<http://www.acf-film.com/>

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## VIII. Council's January Decision

(Updated – July, 2005)

In January 2005 Council decided to go with ACF Films, charge without admission option, and set aside \$2,500 as follows:

Source	Currently Proposed Funding (\$)	Amount Moved for Licence (\$)	Amount Remaining (\$)
Langley Campus Council	4,500	200	4,300
Newton Campus Council	4,000	200	3,800
Richmond Campus Council	7,400	500	6,900
Surrey Campus Council *	7,400	500	6,900
Campaigns for Campuses	15,000	250	14,750
International Students Liaison	500	50	450
Disabilities Liaison	500	50	450
First Nations Liaison	500	50	450
LGBT Liaison	500	50	450
Mature Students Liaison	500	50	450
Students of Color Liaison	500	50	450
Women's Liaison	500	50	450
Welcome Week	17,311	250	17,061
Promotional Products	8,000	200	7,800
Volunteer Recognition	500	50	450
TOTAL		\$2,500	

The ACF plan was chosen because of the variety of films that could be shown under its licence (see end of this report for further information on what films could be shown).

It was moved to be a trial run for a film licence, to allow us to show both films already on DVD or VHS as well as pre-release films.

A draft procedure has been done up to help facilitate the running of the licence.

Council liked the idea that some money could be made back through selling concession. The KSA owns a popcorn machine and has access to Miss T's bakery through the Fishbowl. It is also very easy to either go to Costco to get pop or have it donated in some cases by Coca-Cola through Kwantlen University College.

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## **IX. Recommendation**

### **One Final Note...**

At the time, Council felt the ability to charge option was too expensive under both plans, however if Council wanted to go for the \$4,000 ACF plan that allows us to charge for screenings, it still could.

To recover the \$4,000, Council would have to have 12 screenings per year per campus, or 1 screening per month with 30 people in attendance at the \$3 per person rate. It would have to find an additional \$1,500 in the budget however.

### **Recommendation...**

To go with what Council approved, with the licence to be run effective September 1, 2005 until August 31, 2006.

I'd further recommend that the Executive consider upgrading to the \$4,000 ACF plan that allows the KSA to charge admission at its discretion.

This would allow the licence to be partially cost-recovery and allow for fundraising by various groups, making the marketability of the licence to the student body easier.



## **Appendix 1 – Draft Film License Procedure**

The attached procedure, once finished and approved by the Executive Board of Directors, would help guide the use of the film licence on campus.

# Feature Film and Music Licensing Procedure

Adopted:

## Article 1: Preamble

1. According to the Canadian Copyright Act, “copyright” refers and applies to any original work such as music, art, screenplays, commercials, photographs, magazines, CD-ROMs, etc.
2. According to the Canadian Copyright Act, Public Performance license is required by all Institutions who show movies, videos and feature films publicly, regardless of whether or not admission is charged.
3. According to the Canadian Copyright Act, “Public Performance” refers to any viewing or exhibition of a video or a feature film in a public place (schools are considered public places).
4. Recreation Centers, Bus Companies, Libraries, Colleges and Universities, Elementary Schools, High Schools, Campus, Resorts, Hotels and Prisons are all required to have a Public Performance Site License, regardless of whether or not they are showing movies in the classroom; in a common room; for profit or not for profit; for educational or for entertainment use.
5. As per the Canadian Copyright Act, “Public Performance Rights” allow an organization to show feature films in public, and are added into the cost of a video at the time of purchase. Written confirmation of permission must be obtained from the copyright holder and kept on file. In Canada, there are two major non-theatrical feature film license providers, “ACF” and “Criterion Pictures”, that provide a conduit for organizations to show feature films.
6. Specifically, it is illegal:
  - a. to show films and programs in public places (such as pubs, taverns or restaurants) that are picked-up by satellite dishes. A public performance site license is required. The technical ability to receive a movie by a satellite dish does not give an organization the legal right to show it in public or in any commercial establishment.
  - b. to show specialty TV channels (such as the Comedy Network or the Cartoon Network) in public places under any circumstances. A site license must be acquired to show TV-shows, and most television shows can be acquired on VHS or DVD through ACF and CP, and now even on DVD from local video stores.
  - c. to make a “back up” or a “vault” copy of any purchased video unless you

have the written permission of the copyright holder, which must be kept on file if acquired.

- d. for students to insert, and/or edit video and/or audio in commercials into projects without written permission of the copyright holder.
7. According to the booklet “What You Need to Know About the New Copyright Act”, students can perform a work (i.e. a play) in school if the following five conditions are met. The public performance must:
- a. take place on the premises of the educational institution;
  - b. be for educational or training purposes;
  - c. not be for profit;
  - d. take place before an audience consisting primarily of students of the educational institution, instructors acting under its authority or any persons who are directly responsible for setting curriculum; and not involve a “motive of gain.”

If the school is performing a play and charging admission, permission from the copyright holder must be obtained.

8. As of December, 2003, no general music license is needed to play the radio in public.
9. A general music license must be obtained to play CDs or operate a Juke-Box in public. Further to this, the Canadian Copyright Act requires that licensing be acquired to cover the costs of music as featured in movies during a public performance. This licensing can be acquired on a showing by showing basis through SOCAN.
10. The Canadian Copyright Act states that a person found guilty of infringement of public performance (that is, the penalty for illegally using copyrighted materials) may be fines, imprisonment or both. Ignorance of the law is not a defense.
11. Specifically, each “individual” involved in a copyright violation can be held liable.
12. “Pre-release” or “Premiere” films are those titles that are available exclusively from ACF or Criterion, months before they are available at local video stores. This format for showing films in non-theatrical settings has proven to be very successful for many markets.
13. “ACF” refers to “Audio-Cine Films Inc., a non-theatrical film rights representative in Canada, with exclusive distribution rights for many Canadian, American and foreign film studios.
- i. ACF is based in Montreal and has been in operation since 1966.

- ii. ACF offers 35mm and 16mm bookings, pre-release VHS and DVD titles, short and long single-title licenses, annual public performance VHS/DVD site licenses, and selected educational and documentary titles from selected studios.
  - iii. As of November 2004, ACF represents studios such as, but not limited to:
 

a. Paramount Pictures	m. MGM Studios
b. Paramount Classics	n. Orion Pictures
c. Nickleodeon Animation	o. United Artists
d. Republic Pictures	p. Universal Studios MCA
e. Spelling Films	q. Polygram Filmed Entertainment
f. Alliance Atlantis Motion Pictures	r. Warner / Turner pre-1986 MGM
g. Artisan Entertainment	s. WGBH Boston
h. Focus Features	t. American Experience
i. Odeon Films	u. Mystery!
j. Miramax Films	v. Masterpiece Theatre
k. New Line Cinema	w. NOVA
l. USA Films	
  - iv. ACF can be found online at <http://www.acf-film.com/> , where a complete and up-to-date listing of which studios they represent, as well as which films are available as pre-release or premiere titles is available.
11. “Criterion” refers to “Criterion Pictures”, a non-theatrical distributor of Feature Films for many of Hollywood’s major motion picture studios. They offer movies to the non-theatrical market on four primary mediums: 35mm, 16mm, VHS and DVD. The majority of their films are available months before the home video release date.
- i. Criterion has provided top quality feature films quickly and cost-effectively for more than 25 years.
  - ii. Criterion offers movies to the non-theatrical market on four primary mediums: 35mm, 16mm, VHS and DVD. The majority of their films are available months before the home video release dates.
  - iii. As of November 2004, Criterion represents studios such as, but not limited to:
 

a. 20 <sup>th</sup> Century Fox	s. Lionheart Productions
b. ABC Distribution	t. Lions Gate Films
c. American Zeotrope	u. Lucas Films
d. British Film Institute	v. Magnum Pictures Inc
e. Buena Vista Distribution	

- |                       |                           |
|-----------------------|---------------------------|
| f. Canal+             | w. Mandalay Entertainment |
| g. Cannon             | x. Morgan Creek           |
| h. Carnaval Films     | y. RKO General Pictures   |
| i. Carolco Television | z. Sony Pictures          |
| j. Castlerock         | aa. TriStar Pictures      |
| k. CBS Inc            | ab. Walt Disney Pictures  |
| l. Cinar Corporation  | ac. Warner Brothers       |
| m. Cinepix Inc        |                           |
| n. Clearwater Films   |                           |
| o. Columbia Pictures  |                           |
| p. Dreamworks SKG     |                           |
| q. FOX 2000           |                           |
| r. Fox Searchlight    |                           |

- iv. Criterion can be found online at <http://www.criterionpic.com/> , where a complete and up-to-date listing of which studios they represent, as well as which films are available as pre-release or premiere titles is available.
12. "SOCAN" refers to the "Society of Composers, Authors and Music Publishers of Canada.
- i. SOCAN was formed in 1990, but its predecessors have been around in one form or another since 1925.
- ii. SOCAN is the Canadian copyright collective for the public performance of musical works. SOCAN administers the performing rights of their members (composers, lyricists, songwriters and their publishers) and those affiliated international societies by licensing the use of their music in Canada.
- iii. SOCAN can be found online at <http://www.socan.ca/> .
13. Kwantlen University College currently has a strictly academic license with both ACF and Criterion pictures that allows teachers to show videos in their classrooms as a part of their curriculum.
14. ACF and Criterion provide Annual Public Performance Site Licenses for as little as 25 cents / student (as based on a per campus Full-Time Equivalency head count). This license enables a school or a group of schools to show all the feature films ACF and Criterion represent for a one year period. Regular reporting is required.

**Article : Interpolation**