



Anglican Church Diocese of Sydney

St Andrew's House
Sydney Square
New South Wales
Australia

PO Box Q190
QVB Post Office NSW 1230

Telephone: +61 2 9265 1555

Facsimile: +61 2 9265 1621

This was sent to all parishes via email on 13 April 2012.

Dear Minister and Wardens

Unsolicited correspondence concerning *The Big Studio Movie Licence – Church Edition*

In the last week or so you may have received unsolicited correspondence from an organisation called Heritage HM, offering your church an annual movie licence, *The Big Studio Movie Licence - Church Edition*, to allow you to screen movies from Disney, Roadshow, Warner Bros, Sony, Icon, Hoyts Distribution and Hopscotch.

Several parishes have made contact with us concerned this may be a scam. We can verify that it is not a scam. However the correspondence is quite pushy and may give the impression you are obligated to pay the enclosed invoice for the licence unless you expressly opt out of the arrangement. That is not the case. A contract will not be formed unless you accept the terms that are offered to you.

We intend to contact Heritage HM and request that they modify the way they promote this licence to avoid confusion about their “opt-out” comments.

Publicly performing copyrighted works

Cinematographic films works such as movies and TV shows (and the associated sound recordings) are protected by copyright. Subject to some limited exceptions, only the owner of the copyright, and anyone else the owner authorises, may lawfully show movies in public.

The general definition of ‘in public’ is outside a private home. Screening a movie (or part of a movie) in a church or youth group will be a public performance and permission to do so must be obtained from the copyright owner. Whether or not you charge a fee to those watching does not change whether it is a public performance (although it may have implications for whether it is public entertainment for which you require planning approval).

Permission is only required if you are showing a ‘substantial part’ of the movie. However care must be taken here. What is substantial will not be determined solely by reference to duration. Very short scenes in movies have been found to be substantial.

Screening for the purposes of criticism and review is also permitted. However this would only allow excerpts to be shown. It also requires a critique of the movie and not simply use of the material as an illustration for a point made in a sermon. There must be engagement with the movie such that judgments are made about it.

There are also other exemptions but they would have very limited application to churches.

Church Video Licensing International

Many parishes have obtained a Church Video Licence from Christian Video Licensing International (CVLI). This licence allows movies to be shown publicly at the location specified on the licence. However the licence only covers a limited (although fairly extensive) list of producers. It does not cover movies produced by Disney, Roadshow, Warner Bros, Sony, Icon, Hoyts Distribution and Hopscotch. Heritage HM has an exclusive licensing arrangement with these producers.

What should my parish do?

If you do not publically screen any cinematographic works at all, or already have a *Church Video Licence* from CVLI and only plan to screen works by producers who are covered by that licence, you do not need to do anything. You can write back to Heritage HM and expressly decline their offer if you wish but you are under no obligation to do so.

If you do screen or plan to screen cinematographic works produced by Disney, Roadshow, Warner Bros, Sony, Icon, Hoyts Distribution or Hopscotch you should consider obtaining *The Big Studio Movie Licence – Church Edition* to ensure that you are not breaching copyright.

Note that both the *The Big Studio Movie Licence – Church Edition* and the *Church Video Licence* from CVLI do not allow you to publically advertise the screening in the community or charge an entry fee. If you wish to screen a movie as a fundraiser you will need to obtain a different licence offered by Heritage HM known as 'Flicks at your bricks'. However planning approval from your local council may be required if you are charging an entry fee.

Both licences are also location specific. If you have multiple sites you will need a separate licence for each location at which you wish to screen movies.

You can find out more information at the following websites –

Heritage HM (*The Big Studio Movie Licence –Church Edition*):
www.movieschangepeople.com/bigstudio/

Christian Video Licensing International (*Church Video Licence*):
www.cvli.com.au

If you have any questions or comments in relation to the matters covered in this circular please feel free to contact me via the telephone number or email address listed below.

Kind regards

STEVE LUCAS
Manager, Legal Services
Sydney Diocesan Secretariat

T: 9265 1647 | M: 0423 850 067 | F: 9265 1621
E: szl@sydney.anglican.asn.au | ww.sds.asn.au

St Andrew's House, Sydney Square NSW 2000
PO Box Q190, QVB Post Office NSW 1230