

MOTION PICTURE ASSOCIATION OF AMERICA, INC.

15503 VENTURA BOULEVARD

ENCINO, CALIFORNIA 91436

(818) 995-6600



January 19, 2007

VIA E-mail (sujit@truman.edu)

Sujit Chemburkar
Director of Student Union
Truman State University
100 East Normal Street
Kirksville, MO 63501

Re: Request for Authorization from Copyright/Trademark Holder to Reproduce Specified Data from MPAA

Dear Mr. Chemburkar:

For good and valuable consideration, the Motion Picture Association of America, Inc. ("MPAA") hereby grants permission, in perpetuity throughout the universe, on a nonexclusive basis, to Truman State University (the "University") to reprint, distribute and display the specified data titled "Public Performance" from the mpaa.org website, attached herein as "Appendix A" (the "MPA Data") in educational materials distributed on campus, including a brochure and University website, ("Educational Materials"), it being understood that you will acknowledge the MPAA's ownership of the MPAA Data in the Educational Materials.

The MPAA Data will not be altered, modified or mutilated in any way and such use will in no way be derogatory to the MPAA, its member companies or the motion picture industry.

The University understands and agrees that the MPAA owns all rights in and to the MPAA Data and that the University will make no claims or demands upon the MPAA or its member companies based upon the use of the MPAA Data in the Educational Materials.


Finally, permission is conditioned upon the University providing MPAA with one (1) free copy of each of the Educational Materials in final form, as distributed to the public.

This permission is granted only to the University, and may not be transferred, assigned or sublicensed to any other person or organization without the written permission of the MPAA. This permission may be revoked by the MPAA at any time and for any reason, by giving you and/or the University notice in writing.

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Please acknowledge the University's agreement to these terms by signing where indicated below and returning a copy of this letter to me.

Sincerely,



Ornah Medovoi
Domestic Counsel

cc: Gregory Goeckner, Esq.
Kori Bernards
Milissa Brockish

Accepted and Agreed By:

Signature

Title

Date

APPENDIX "A"

PUBLIC PERFORMANCE

What is a "Public Performance?"

Suppose you invite a few personal friends over for dinner and a movie. You purchase or rent a copy of a movie from the local video store and view the film in your home that night. Have you violated the copyright law by illegally "publicly performing" the movie? Probably not.

But suppose you took the same movie and showed it at a club or bar you happen to manage. In this case you have infringed the copyright of the movie. Simply put, movies obtained through a video store are not licensed for exhibition. Home video means just that: viewing of a movie at home by family or a close circle of friends.

Why is Hollywood concerned about such performances?

The concept of "public performance" is central to copyright and the issue of protection for "intellectual property." If a movie producer, author, computer programmer or musician does not retain ownership of his or her "work", there would be little incentive for them to continue and little chance of recouping the enormous investment in research and development, much less profits for future endeavors. Unauthorized public performances in the U.S. are estimated to rob the movie industry of between \$1.5-\$2 million each year. Unfortunately, unauthorized public performances are just the tip of the iceberg. The movie studios lose more than \$250 million annually due to pirated movies and several hundred million more dollars because of illegal satellite and cable TV receptions.

The Law says...

The Federal Copyright Act (Title 17 of the U.S. Code) governs how copyrighted materials, such as movies, may be used. Neither the rental nor the purchase of a movie carries with it the right to show the movie outside the home. In some instances no license is required to view a movie, such as inside the home by family or social acquaintances and in certain narrowly defined face-to-face teaching activities. Taverns, restaurants, private clubs, prisons, lodges, factories, summer camps, public libraries, daycare facilities, parks and recreation departments, churches and non-classroom use at schools and universities are all examples of situations where a public performance license must be obtained. This legal requirement applies regardless of whether an admission fee is charged, whether the institution or organization is commercial or non-profit, or whether a federal or state agency is involved.

Legal Sanctions

"Willful" infringement for commercial or financial gain is a federal crime carrying a maximum sentence of up to five years in jail and/or a \$250,000 fine. Civil damages for willful infringement may be as high as \$150,000 per work, and even inadvertent infringers are subject to substantial civil damages, ranging from \$750 to \$30,000 for each work illegally shown. The MPAA and its member companies are dedicated to stopping film and video piracy in all its forms, including unauthorized public performances. The motion picture companies will go to court to ensure their copyrights are not violated. For example, lawsuits have been filed against cruise ships and bus companies for unauthorized on-board exhibitions.

If you are uncertain about your responsibilities under the copyright law, contact the MPAA, firms that handle public performance licenses or the studios directly. Avoid the possibility of punitive action.

To Obtain a Public Performance License...

Obtaining a public performance license is relatively easy and usually requires no more than a phone call. Fees are determined by such factors as the number of times a particular movie is going to be shown, how large the audience will be and so forth. While fees vary, they are generally inexpensive for smaller performances. Most licensing fees are based on a particular performance or set of performances for specified films. The major firms that handle these licenses include:

Swank Motion Pictures, Inc.

<http://www.swank.com>

(800) 876-5577

Criterion Pictures

<http://www.criterionpicusa.com>

(800) 890-9494

Motion Picture Licensing Corporation (MPLC)

<http://www.mplc.com>

(800) 462-8855

In other specialized markets, such as hotels and motels, many Hollywood studios may handle licensing arrangements directly.