

PUBLIC VIDEO SCREENING LICENCE GUIDELINES

INTRODUCTION

The showing of a film in public in the UK is an act restricted by the copyright in the film. As a result, all public film screenings require the licence of the copyright owner.

Organisations and groups such as, but not limited to, schools, student unions, churches, campsites, shops, libraries, gyms, etc., often want to show films for entertainment or background purposes. The PVS Licence will make it easier for these organisations to apply for and obtain the required licences from Filmbank Distributors Ltd ("Filmbankmedia").

The PVS Licence has been devised so that organisations in the UK can obtain just one licence each year that permits them, on terms, to show films in public for no charge to fixed audiences ("Featured Screenings") and to transient audiences as background entertainment ("Background Screenings") (together "Screenings").

Under the terms of the PVS Licence it is the licensee's responsibility to obtain physical copies of any films they wish to screen. They may obtain such copies on DVD or Blu-ray from legitimate retail or rental outlets.

It is a fundamental term of the PVS Licence that no charge is made directly or indirectly for the Screening.

Promotion of a Screening is allowed only in very limited circumstances and it is not permitted to use a screening to promote or endorse any other goods or services.

The terms of the PVS Licence can be viewed at www.filmbankmedia.com/pvsl.

Below is set out an explanation of the application process for, and the terms of, the PVS Licence. Please note however that this explanation is by way of guidance only and, although it sets out Filmbankmedia's views as to the interpretation, it does not affect the terms of the PVS Licence.

An application form is available at www.filmbankmedia.com/pvsl and any questions should be directed to PVS Licence, c/o Filmbankmedia, 98 Theobald's Road, London WC1X 8WB, Telephone: 020 7984 5921, Fax: 020 7984 5951.

PVS LICENCE OVERVIEW

Below is an overview of the conditions under which licences are granted. It is not comprehensive so please refer to the full Terms and Conditions to ensure your planned usage of film would be covered by this licence.

- The film must be screened in the UK.
- The Screening must take place at the licensed premises to the licensed group of people.
- The film must be in DVD or Blu-ray format.
- There must be no cutting, editing or copying of the film.
- There must be no direct or indirect charge to see the film.
- There must be no admission charge to the licensed premises or the building within those premises, where the film is being screened.
- The Screening must be in communal areas of the licensed premises.
- The Screening of the film must not be advertised or promoted except when no commercial activity will be undertaken during, immediately before and/or after the screening. In such circumstances, the film may be promoted within the licensed premises to the licensed group of people.
- There must be no outdoor screenings.
- The Screening of films must not be the main business or activity of the licensee.

- Films must not be used to promote or endorse any product or service.
- There must be no Screenings on diffusion systems.
- The licensee must submit a report every three months from the start of the licence term, listing the films screened.
- The film must be a feature film, not a TV show or music programme.

THE APPLICATION PROCESS

Any person, firm, company or organisation that wishes to show films in the UK can apply for a PVS Licence from Filmbankmedia.

The application is made by completing a simple application form in which an applicant is asked to provide its name and address details, details of the premises upon which it wishes to show films, the group of people who will be licensed to view the films and the size of such group or alternatively, the number of visitors to the premises during the course of a year. The applicant may be asked for evidence to support its estimate of the size of the group or number of visitors to the premises.

The application form must be completed in hard copy and signed by the applicant. Completed application forms should be submitted to Filmbankmedia, 98 Theobald's Road, London WC1X 8WB, Fax: +44 (0) 20 7984 5951. The application form can be obtained from www.filmbankmedia.com/pvsl.

Once the application form has been processed and approved by Filmbankmedia, Filmbankmedia will issue a PVS Licence.

FILMS COVERED BY THE PVS LICENCE

The PVS Licence covers the public performance of all films distributed by participating distributors and available to the public in the UK through legitimate retail and rental outlets in DVD or Blu-ray format.

A list of participating distributors is set out at www.filmbankmedia.com/pvsl.

However, from time to time it may be necessary for Filmbankmedia to withdraw certain films from the PVS Licence – a list of such excluded films can be found at www.filmbankmedia.com/pvsl.

AUDIENCES COVERED BY THE PVS LICENCE

Applicants for a PVS Licence are asked to define the audience to whom films will be screened. This may be a particular group, (for example, a church congregation, the members of a club or a gym, the pupils and teachers in a school), or a wider class of people to whom the licensed premises are open, (for example, members of the public who visit a shopping centre, a restaurant or shop). To ensure there is adequate adult supervision where screenings are being held for audiences under 18, a reasonable number of adults may be present, even though they would not normally constitute part of the licensed group. Otherwise, holding a Screening where the licensed group does not wholly comprise the audience requires a different licence.

There is no limitation on the size of the licensed group. However, the larger the licensed group, the higher the fee (see below).

PREMISES COVERED BY THE PVS LICENCE

The PVS Licence covers the showing of films, indoors only, in the United Kingdom (as defined in the Interpretation Act 1978).

It is a requirement of the PVS Licence that films are screened within an enclosed building, even where the licensee also owns or has access to outdoor spaces adjacent to the licensed premises. For example, the following would be excluded: Screenings on sports pitches, in public parks, in public squares and in car parks.

It is also a requirement of the PVS Licence that Screenings take place in communal areas. A communal area is an area at the licensed premises to which the public (or the defined group) has unrestricted access. For example, a hospital waiting room, a school hall, a games room on a campsite, a nursing home lounge or a village hall.

Applicants are asked to specify the premises they wish to be licensed under the PVS Licence on the application form. There is no limitation on the type of premises to be licensed except as set out above.

Where more than one identifiable group uses the same premises, each group must apply for a separate licence.

Please note that Filmbankmedia shall treat each unit in a shopping centre as separate premises. Each shopkeeper in the centre will need a separate PVS Licence for Screenings within its premises. The shopping centre itself will also need a PVS Licence if any Screenings take place within the communal parts of the shopping centre.

FEATURED SCREENINGS

The PVS Licence allows licensees to show films as Featured Screenings. A Featured Screening is a screening that is a main or special attraction in circumstances where the audience is expected to watch the film in its entirety.

BACKGROUND SCREENINGS

The PVS Licence also allows licensees to show films as Background Screenings. A Background Screening is a screening that is made in order to create an atmosphere or ambience where it is not the main or special attraction and where the audience is transient and not expected to watch the film in its entirety.

Please note that the PVS Licence covers Background Screenings to transient audiences in a commercial environment such as shops, bars, restaurants and office reception areas.

COMMERCIALISATION OF SCREENINGS

All Screenings of films under the PVS Licence, whether they are Featured Screenings or Background Screenings, are subject to certain strict limitations in relation to commercialisation. In particular:

- No charge can be made, directly or indirectly, to see the film or for admission to the licensed premises.
- No advertising or promotion of a Screening is permitted except in very limited circumstances.
- No goods or services may be endorsed or promoted in connection with a Screening.

CHARGING FOR SCREENINGS

Screenings must be free to the licensed group. Thus, Screenings at events, even charity or fundraising events, where anyone has paid to attend would not be covered by the PVS Licence. Separate individual licences for screenings where the audience pays to attend are available from Filmbankmedia and suitable for fundraising events and these are outside of the PVS Licence scheme.

Screenings which take place in premises where an admission charge is made for entry, to the premises or any part of such premises, where the screening takes place, are not permitted under the PVS Licence. For example, a museum without an admission charge may screen a film, but if the film is screened within a section of the museum as part of a special exhibition which has an admission charge, the PVS Licence will not apply.

Screenings where there is an indirect charge to the audience are also not permitted. Circumstances in which charges are made indirectly for admission might include screenings where goods or services are sold at prices that are higher than the prices normally charged at the same premises. Fundraising activities where no charge is made for the Screening but a small charge is made for, say food and drink is permitted under the PVS Licence but such events may not be promoted or advertised (see section on Advertising and Promotion below). If you wish to hold a fundraising event and advertise the event, please contact Filmbankmedia for the appropriate licence.

The PVS Licence will cover Screenings by a club or society for its members where the members have paid membership fees or dues provided that the Screening is only incidental to the main purposes of the club or society.

ADVERTISING AND PROMOTION

Advertising or promotion of a Screening is only permitted in the following circumstances under the PVS Licence:

- a. where commercial activity of any kind is not undertaken during, prior to or after a Screening; and
- b. the advertising or promotion is only within the licensed premises to members of the licensed group.

ENDORSEMENT AND PROMOTION

Screenings under the PVS Licence cannot be used so as to create the impression that Filmbankmedia, the film producer or distributor or the film's stars or cast have given any approval or endorsement of any goods, products, services, organisations or events. In addition, Screenings of films cannot be used to create the impression that Filmbankmedia is connected or associated with any third party goods, products, services, organisations or events (other than the films).

On this basis, and by way of example, a Screening cannot be used for the purpose of promoting or selling electronic items such as TV screens or DVD equipment.

EXCLUDED RIGHTS

The PVS Licence is a licence only for the performance of films in public. It is not a licence to make copies of films or to distribute films in any way whatsoever, nor does it allow the licensee to copy, alter, adapt or edit a film.

Therefore, it is not possible under the PVS Licence to record a film from television; nor is it possible to broadcast or transmit a film over a diffusion service.

Please note also that the PVS Licence does not give the licensee the right to perform any musical compositions embodied in the soundtrack of any film. It will be necessary therefore for all licensees to ensure they are licensed by the PRS for the public performance of music (www.prsformusic.com).

The PVS Licence is intended to allow licensees to exhibit films where such Screenings are incidental to the main purpose of the licensee's business or activity. Therefore, a PVS Licence will not be available where screening of films would be one of the main purposes or activities of the licensee.

MATERIALS

It is the licensee's responsibility to buy or rent all DVDs or Blu-rays that it wishes to screen under the PVS Licence.

Please note that only DVDs or Blu-rays may be used for Screenings. The PVS Licence does not cover 35mm, 16mm, digital files or any other format.

All DVDs and Blu-rays must be "copyright-fee-paid", that is, they must be legitimate copies of films authorised for screening by the owner of the copyright in the films. The screening of counterfeit or pirate copies of films is not permitted.

Please note that the PVS Licence covers only films available for sale or rental in the UK. If a film has not yet been released for sale or rental in the UK, it will not be covered by the PVS Licence.

REPORTING

The licensee must send to Filmbankmedia by fax, email or post, a list of all films viewed every three (3) months. If a film is viewed several times it need only be listed once. A film reporting form can be found at www.filmbankmedia.com/pvsl but any format is acceptable as long as it is easy to read and the full title of the film, and all other information requested in the film reporting form, is included. If the licensee fails to return a report within one (1) month of the end of the three (3) month reporting period then the PVS Licence will no longer be valid and no refund will be payable. The reporting periods can be found at www.filmbankmedia.com/pvsl.

PVS LICENCE FEE

The licence fee payable by the licensee is calculated in accordance with the Filmbankmedia Rate Card for the year in which the PVS Licence applies. The Filmbankmedia Rate Card may be amended from time to time by Filmbankmedia.

The current Filmbankmedia Rate Card is available at www.filmbankmedia.com/pvsl.

The Filmbankmedia Rate Card has two alternative bases of charge each with a separate tariff:

- size of licensed group
- average weekly footfall.

The primary basis of charge is the size of the licensed group. The size of the licensed group is simply the maximum number of people who will comprise that group during the term of the PVS Licence. For example, in relation to a church, the size of the licensed group will be the number of people in the congregation, in relation to a school, the size of the licensed group will be the number of pupils and teachers at the school, and in relation to a nursing home, the size of the licensed group will be the number of residents of, and staff employed by, the home.

Where it is impossible to define with reasonable certainty the exact size of the licensed group, that is, where the number of people having access to the premises varies significantly day-to-day, (such as in shopping centres, shops, bars and cafés), the average weekly footfall basis of charge will apply.

Where the average weekly footfall basis applies, the applicant is required to give an estimate of the average weekly footfall, that is, the number of visits by people to the premises on average, each week.

Applicants, if required by Filmbankmedia, must give evidence to support any estimate of average weekly footfall. Filmbankmedia will accept estimates based on a two (2) week audit of visitors to the licensed

premises subject to reasonable adjustment to take account of seasonal factors.

Filmbankmedia reserves the right to audit the average weekly footfall in respect of any licensee. This may result in an adjustment to the licence fee.

Please note that the fee is subject to VAT. Payment of the licence fee must be made before issue of the PVS Licence.

TERM OF THE PVS LICENCE

The PVS Licence runs for one (1) year from 1 April (in the case of schools) and from 1 May (in the case of all other organisations). Filmbankmedia will prompt all existing licensees to renew their PVS Licences on an annual basis.

REPORTING

All PVSL holders are required to submit a report on a quarterly basis detailing the films screened in their school. This is to ensure correct reporting to the film studios and distributors participating in the PVSL scheme. Please submit your reports at www.filmbankmedia.com/pvsreporting

SCREENING FILMS COMMERCIALY

The PVSL does not allow charging directly or indirectly for Screenings. If you wish to charge audiences to view your Screening, please visit the Filmbankmedia website (www.filmbankmedia.com/stsl)

The Single Title Screening Licence (STSL) is provided on a Title-by-Title basis for the screening of films as part of an event (including ticketed and non-ticketed events). Perfect for film societies, PTAs, festivals and more, many movies are available under the STSL just 8-12 weeks after cinema release, subject to availability. For more information please visit the Filmbankmedia website (www.filmbankmedia.com/stsl)

NOTICES

Advertising films screened under the PVSL is restricted to within the licensed premises and directly to your membership base only. Typical examples would include posters, emails and newsletters.

All films must be screened in full. The PVSL does not cover the use of clips. In these circumstances please contact the studio direct.

Any outdoor screenings including in non-permanent structures are not permitted.

May 2015