

DVD CONCIERGE LICENCE GUIDELINES

An easy way to obtain a licence for showing films free of charge in guest rooms.

INTRODUCTION

Boutique Hotel Spas, Guest Houses and Holiday Parks businesses that provide guest accommodation, often want to show or allow their guests to view films for entertainment. The DVD Concierge Licence will allow these types of organisations to offer this form of customer service for their guests by applying for and obtaining the required licences from Filmbank Distributors Ltd ("Filmbankmedia").

The DVD Concierge Licence was devised so that organisations within this industry can obtain just one licence each year which permits them to show a large amount of films from selected Hollywood Studios participating in the DVD Concierge scheme in guest rooms for no charge to guests.

Under the terms and conditions of the DVD Concierge Licence, it is the licensees' responsibility to obtain physical copies of any films they wish to screen. Licensees can obtain such copies on DVD, UMD and Blu-ray formats from legitimate retail outlets and hold them in a film library.

The terms of the DVD Concierge Licence can be viewed at www.filmbankmedia.com/dvdcl.

Below is an overview of the application process and a summary of the terms of the DVD Concierge Licence. Please note that this explanation is by way of guidance only and, although it sets out Filmbankmedia's views as to the interpretation of the DVD Concierge Licence, it does not affect the terms of the DVD Concierge Licence.

DVD CONCIERGE LICENCE OVERVIEW

The following paragraphs summarise the conditions under which a DVD Concierge Licence is granted. It is not a comprehensive list of terms, so please refer to the DVD Concierge Licence terms and conditions to ensure your planned usage of film is covered by this licence.

1. The film must be screened at premises in the United Kingdom (that is England, Wales, Scotland and Northern Ireland).
2. The screening of the film must take place only in the guest rooms at the premises indicated in the issued DVD Concierge Licence certificate.
3. The film must be a VHS, DVD, UMD or Blu-ray format.
4. There must be no cutting, editing or copying of the film.
5. There must be no charge to see the film.
6. Except for the promotion of the DVD Concierge service itself, the screening of individual films must not be advertised or promoted.
7. Outdoor screenings are not permitted.
8. The screening of films must not be the main business or activity of the licensee.
9. Films must not be used to promote or endorse any product or service, except the DVD Concierge service itself.
10. There must be no screenings on diffused systems (a system where films are distributed from one source onto multiple TV sets or other similar equipment at the same time).
11. The licensee must submit a report every three (3) months from the start of the licence term, listing the films available in the Film library.

Although our DVD Concierge Licence is an annual licence, we do recognise some organisations providing guest accommodation do not operate year round. However we do provide an alternative licence for those guest accommodations operating on a seasonal basis.

THE APPLICATION PROCESS

Any person, firm, company or organisation that wishes to show films in guest rooms in the United Kingdom, can apply for a DVD Concierge Licence from Filmbankmedia.

The application is made by completing an application form (hard copy or online) in which an applicant is asked to provide their name and address, details of the premises upon which they wish to show films and the number of guest rooms, as well as the operating period of the property in cases where it is not open all year round. The applicant may be asked for evidence to support the number of guest rooms and operating period indicated on the DVD Concierge Licence.

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/dvdcl.

Any questions should be directed to DVD Concierge Licence, c/o Filmbankmedia, 98 Theobald's Road, London WC1X 8WB, Telephone: +44 (0) 20 7984 5965, Fax: +44 (0) 20 7984 5951.

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

FILMS COVERED BY THE DVD CONCIERGE LICENCE

The DVD Concierge Licence covers all films from selected studios participating in the DVD Concierge scheme and available to the public in the United Kingdom through legitimate outlets in VHS video, DVD, UMD and Blu-ray formats.

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

However, from time to time it may be necessary for Filmbankmedia to withdraw certain films from the DVD Concierge Licence – a list of such excluded films or distributors will be posted from time to time at www.filmbankmedia.com/dvdcl.

PREMISES COVERED BY THE DVD CONCIERGE LICENCE

The DVD Concierge Licence covers the showing of films in guest accommodation, for example, in Bed and Breakfasts, Boutique Hotel Spas, Guesthouses and Holiday Parks in the United Kingdom. For a complete list, please contact Filmbankmedia on T: +44 (0) 20 7984 5965.

It is a requirement of the DVD Concierge Licence that films are screened indoors, 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 in outdoor patios or terraces, gardens, outdoor sport facilities or car parks.

It is also a requirement of the DVD Concierge Licence that screenings do not take place in communal areas. A communal area is an area at the licensed premises to which the general public or all guests have unrestricted access. For example a guest lounge, dining, breakfast or games rooms.

Applicants are asked to specify the premises and the number of guest rooms they wish to be licensed under the DVD Concierge Licence on the application form.

COMMERCIALISATION OF SCREENINGS

All screenings of films under the DVD Concierge Licence are subject to certain strict limitations in reference to commercialisation. In particular:

1. No charge can be made to see the film or for admission to the licensed premises (charges for accommodation do not apply).
2. No advertising or promotion of individual film titles is permitted except in very limited circumstances as described below.
3. No goods or services may be endorsed or promoted in connection with the screening of a film, as described below.
4. There must be no charge to see the film.

For activities not covered by the DVD Concierge Licence such as paid film screenings or ticketed events, please contact Filmbankmedia for alternative licences.

ENDORSEMENT AND PROMOTION

Screenings of films under the DVD Concierge 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 endorsing the services of the DVD Concierge Licence holder.

EXCLUDED RIGHTS

The DVD Concierge Licence does not permit organisations to make copies of films or to distribute film content to other parties other than under the terms of the DVD Concierge Licence, nor does it allow the licensee to copy, alter, adapt or edit a film.

Therefore, it is not possible under the DVD Concierge Licence to record a film from television nor is it possible to broadcast or transmit a film over a Diffused System.

Please note that the DVD Concierge 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 and/or PPL for the public performance of music.

The DVD Concierge 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 DVD Concierge 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 acquire all VHS videos, DVDs, UMD or Blu-ray discs that it wishes to screen under the DVD Concierge Licence.

Please note that only VHS videos, DVDs, UMD or Blu-ray discs may be used for screenings. The DVD Concierge Licence does not cover 35mm, 16mm, digital files or any other format.

All VHS videos, DVDs, UMD and Blu-ray discs 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 DVD Concierge Licence covers films acquired only in the United Kingdom. If a film

has not been released for sale or rental in the United Kingdom, it will not be covered by the DVD Concierge Licence.

REPORTING

The licensee must send to Filmbankmedia by fax, email or post, a list of all films available in the Film library every three months. A film reporting form can be found at www.filmbankmedia.com/dvdcl. If the licensee fails to return a report within one (1) month of the end of the three (3) month reporting period then the DVD Concierge Licence may no longer be valid and no refund will be payable. The reporting periods can be found at www.filmbankmedia.com/dvdcl.

DVD CONCIERGE LICENCE FEE

The licence fee payable by the licensee is calculated in accordance with the DVD Concierge Rate Card for the year in which the DVD Concierge Licence applies. The DVD Concierge Rate Card may be amended occasionally by Filmbankmedia.

The current DVD Concierge Rate Card is available at www.filmbankmedia.com/dvdcl.

Filmbankmedia reserves the right to audit any information provided in respect of any licensee or the licensed premises. 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 the issue of the DVD Concierge Licence.

TERM OF THE DVD CONCIERGE LICENCE

The annual DVD Concierge Licence runs for twelve (12) months from 1 May until 30 April the following year. The seasonal DVD Concierge Licence is available for properties whose operating period is eight (8) months or less and will run from 1 May- 31 October and recommence from 1 March – 30th April.

Filmbankmedia will prompt all existing licensees to renew their DVD Concierge Licences on an annual basis.

Filmbankmedia may update the DVD Concierge Licence from time to time. When changes are made to the DVD Concierge Licence, Filmbankmedia will revise the "last updated" date. In addition if there are any material changes to the DVD Concierge Licence, Filmbankmedia will notify the changes by either:

- a. prominently posting a notice of such changes on the Filmbankmedia website prior to implementing the change (www.filmbankmedia.com/dvdcl); and/or
- b. sending an email notification of the same (if requested).

Where written notification is not requested, the licensee is required to periodically review the Filmbankmedia website to be notified of changes.

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