

Pittsburgh Community Television

Current Fee Schedule

(Current as of 8-31-22 - fees are subject to change)

Membership Fees: Fees based on residency: Pittsburgh (within city limits) or Allegheny County (outside city limits) **Membership payment required after Info Session.**

Enrollment Period & Fee	Additional Usage Fees
1 year Standard Pittsburgh City Resident \$100 or \$10/month	Studio \$10 per use; EFP \$5 per use; Editing \$5 per use; none for airtime (<i>certification required for EFP & editing</i>) <i>Some classes are an additional charge.</i>
1 year Standard Allegheny County \$150 or \$13/month	Studio \$15 per use; EFP \$10 per use; Editing \$10 per use; none for airtime (<i>certification required for EFP & editing</i>) <i>Some classes are an additional charge.</i>
1 year Plus Pittsburgh City Resident \$250 or \$21/month	None for studio; EFP or editing or airtime. (<i>certification required for EFP & editing</i>) <i>Classes are included in membership fee.</i>
1 year Plus Allegheny County \$350 or \$30/month	None for studio; EFP or editing or airtime. (<i>certification required for EFP & editing</i>) <i>Classes are included in membership fee.</i>

Class Fees (subject to change): (Check Website for Latest Classes)

Class	Plus Members	Standard City Members	Standard Allegheny County Members
Info Session	\$ Free	\$ Free	\$ Free
Orientation	\$ Free	\$ Free	\$ Free
Orientation Rev Up	\$ Free	\$ Free	\$ Free
Podcasting with OBS (Basics)	\$ Free	\$ 270	\$270
Adobe Premiere Basic	\$ Free	\$270	\$270
Intro to 360 Video	\$ Free	\$270	\$270

PCTV Workshop Descriptions and Prices

Full info about our latest offerings is on our website at www.pctv21.org. You must be a member of PCTV to take all classes except the info session.

<p>Info Session</p> <p>This session, offered online, gives a brief introduction to PCTV for prospective members. Once completed, you can sign up for membership.</p> <p>Price: Free</p>	<p>Orientation</p> <p>The orientation goes over all the basics of what's included in your membership and how to access PCTV. Offered online and in person. Sign up for membership before taking orientation.</p> <p>Price: Free</p>
<p>Orientation Rev Up</p> <p>This 2-day fun orientation is mandatory for all new members. Covers studio production, basic field camera, basic editing and crafting of your show concept.</p> <p>Price: Free</p>	<p>Adobe Premiere Basic</p> <p>This class goes over the basics of Adobe Premiere.</p> <p>Price: Free for Plus members, \$270 for standard members.</p>
<p>Podcasting with OBS (Basics)</p> <p>The class will provide 3 hours of instruction in one class meeting used to record or stream online your audio and video sources with proper encoding. Learn the basic tools of Stream labs OBS software for recording and live streaming podcast.</p> <p>Price: Free for Plus members, \$270 for standard members.</p>	<p>Intro to 360 Video</p> <p>This introductory class covers the basics shooting 360 video with the Insta360 ONE X camera. Members of PCTV who take this class will be certified to check out our Insta360 ONE x cameras.</p> <p>Price: Free for Plus members, \$270 for standard members.</p>
<p>To Be Announced</p> <p>Other classes coming soon. Check our website at www.pctv21.org for the latest.</p>	

COMMUNITY PRODUCER RULES

PCTV's distribution outlets, equipment and facilities are available for the purpose of non-commercial media production and distribution under the terms and conditions of PCTV's Rules of Operation detailed below. The rules governing PCTV are designed to ensure that all uses of distribution outlets, equipment, and facilities are intended for the creation and presentation of non-commercial media for distribution on PCTV's distribution outlets including Comcast Cable Channel 21, Verizon Cable Channel 47, PCTV's website, Apple TV, ROKU, Fire TV, PCTV's iPhone app and any new outlets that may be developed in the future; that a maximum number of users can be accommodated; and that editorial control should be exercised by the user in accordance with applicable law.

RULES

- A. PCTV equipment and facilities shall be available for the purpose of non-commercial media distribution on a first-come, first served basis to any person, group or non-profit organization residing in Allegheny County.
- B. Any person using PCTV's distribution outlets, equipment or facilities must be at least 18 years of age (see exception below) and a resident of Allegheny County. Proof of age and residency will be required. Acceptable proof of residency is legal PA drivers license or (2) two current utility bills. The following are exceptions:
 - Persons who are not Allegheny County residents, but authorized representatives of Allegheny County based nonprofit organizations or institutions, may use the PCTV channel, equipment or institutions for the purpose of non-commercial media distribution authorized by that organization or institution. In all cases where non-resident individuals request use of PCTV's distribution outlets, equipment or facilities for distribution of non-commercial media authorized by a resident organization or institution, a written authorization from the institution must be on file with PCTV at the time of the request.
 - All Allegheny County Residents under the age of 18 must be accompanied by an authorized adult i.e. Parent, Guardian or Organization Representative at all times.
 - City residents under the age of 18 who wish to use PCTV's distribution outlets, equipment or facilities must have an adult attend all workshops with them and have that adult sign the Parental Consent Form. By signing the form the adult assumes responsibility, in writing, for any liability arising from the minor's use of distribution outlets, equipment or facilities. Through participation the parent/guardian will incur no charges for attending the workshop unless they wish to be certified and use the equipment. Although there is no minimum age restriction, PCTV may refuse to permit a minor to use PCTV equipment, distribution outlets or facilities at the Executive Director's discretion. Residents under the age of

18 must pass all appropriate certification requirements. Certified minors may produce or volunteer in the studio, but will only be permitted to check out portable equipment with the signature of a parent or guardian on the sign-out sheet, who has also attended all necessary workshops with the minor.

- C. In order to ensure safe use and proper handling of PCTV's production equipment and facilities, any person requesting to use such equipment and facilities shall be required to demonstrate that he/she is properly trained in the use of the equipment and has been certified by the staff of PCTV as a "Certified Community Producer".
- Meets the requirements of Rule B; and
 - The community producer must attend and satisfactorily complete the appropriate production workshop conducted by PCTV.
- D. In order to distribute a program on PCTV's distribution network, the following requirements must be satisfied:
- The program must be produced and/or submitted by a Certified Community Producer
 - A program must contain credits which include the name of the Certified Community Producer
 - The Program must meet PCTV's Technical Standards
- E. Before certification or the distribution of programming, the user will be required to sign a Statement of Compliance with these Rules of Operation. Failure to sign and adhere to the terms of the Statement of Compliance may result in the forfeiture of the privilege to use PCTV's distribution outlets, equipment or facilities.
- F. PCTV reserves the right to suspend or revoke the privilege of any producer to use PCTV's distribution outlets, equipment and facilities who appears to be under the influence of alcohol or drugs; who interferes with the orderly conduct of business; who refuses to cooperate with or in any way abuses PCTV employees, interns, or volunteers; who fails to pay debts owed to PCTV (bad checks, etc.); or who had misused equipment, failed to return it on time; or has in any other way abused the privilege of using PCTV's distribution outlets, equipment or facilities.
- G. Any producer using PCTV's distribution outlets, equipment, or facilities must indemnify and hold harmless PCTV and its employees, the City of Pittsburgh and its employees, Comcast and its employees and Verizon and its employees arising out of such use or any breach of these operating rules or the Statement of Compliance.
- H. Any producer using PCTV equipment or facilities will be responsible for the cost of any repair or replacement of such equipment or facilities resulting from

damage, misuse or theft, which occurs while in the producer's possession or control.

- I. A producer using PCTV's distribution outlets, equipment or facilities shall never represent to any other party that he/she, or any other person involved in PCTV program distribution, is employed by PCTV. Violation of this rule will subject the producer to immediate suspension from the facility.
- J. PCTV's distribution outlets, equipment and facilities shall not be used for any financial gain or commercial purpose. Programming produced using PCTV facilities and equipment is intended for distribution on PCTV's distribution outlets, although it may be distributed on other outlets at the community producer's discretion.
- K. Community Producers who have not used the facility in over a year will be required to pass certification tests on all equipment they want to use.

PROGRAM CONTENT

The PCTV Community producer is fully responsible for the content of his/her program, for obtaining all rights necessary to distribute any program material, live or recorded, on PCTV's distribution outlets, and for ensuring that any program material which is prohibited by Federal, State or Local law not be distributed on PCTV's distribution network.

When a PCTV user produces programming using PCTV equipment and facilities, ownership of the creative rights of any media produced belongs to the producer, subject to the rules governing media.

RULES

- A. Community Producers distributing programs on PCTV's distribution network are fully responsible for the content of all program material.
- B. Presentation of the following material on the PCTV's distribution network is prohibited.
 - a. Obscene material
 - b. Lottery or advertisement or information concerning any lottery
 - c. Advertising
 - d. Promotional material concerning products or services presented for the purpose of any solicitation of money or other things of value, unless specifically exempted under the terms of this document
 - e. Political endorsements
 - f. Any materials which constitutes defamation, libel, slander, invasion of privacy or publicity rights, unfair competition, violation of trademark or copyright or which might violate any Local, State or Federal Law (Further information is available upon request).

- C. Any producer using PCTV's distribution network, equipment or facilities must obtain, in writing, all necessary approvals, clearances licenses, etc., for the use of program material which the users distribute, including but not limited to approvals by broadcasting stations, networks, underwriters, music licensing organizations, copyright owners, performers' representatives, all persons appearing in or referred to in the program material, and any other approvals that may be necessary to transmit program material on PCTV's distribution network.
- D. Violations of Rule B or C above may subject the Community Producer to immediate forfeiture of the privilege of using PCTV's distribution outlets, equipment or facilities.
- E. PCTV shall determine whether or not a pre-recorded or live program contains prohibited material, or is inconsistent with the purpose of PCTV. If the program can't be distributed because of such material, the producer has the option of altering the program to conform, or can withdraw the program entirely.

If the producer wishes to appeal the judgment of PCTV staff, the user can then approach the Executive Director for a decision. If the matter remains unresolved, the producer may then make a final appeal, in writing, to the PCTV Board of Directors stating why the producer feels that the program complies with all content rules.

- F. Copyright is a form of protection for your program provided by the laws of the United States. It gives you, as the Producer of your program, the right to do and to authorize to do the following:
 - a. to reproduce the copyrighted program
 - b. to prepare other similar programs based upon the original copyrighted work
 - c. to distribute copies to the public via media distribution networks, sale or other transfer of ownership, or by rental, lease or lending
 - d. to perform the work publicly
 - e. to display the copyrighted work publicly.

It is suggested that you attach a copyright notice to the end of your program (in the credits). The copyright of your production happens immediately and automatically upon completion of your program. You do not need to register with the Government Copyright Office.

PROGRAM PROMOTION

Producers should become actively involved in promotion of their own programs by any means possible including social media, promos distributed on PCTV, advertising, press releases, etc.

Use of the PCTV logo is **prohibited**. Producers may mention PCTV, the air time of their program and PCTV's distribution outlets, but may not reproduce PCTV's logo. Violation of this rule is cause for suspension from the facility.

PCTV will arrange for program information to be displayed on PCTV's distribution outlets wherever possible. Producers are encouraged to produce short 15 or 30 second promotional spots about their programs for distribution on PCTV's distribution networks between regular programming.

IV.WARNING LETTERS & SUSPENSIONS

Warning letters and suspensions are only given to Community Producers who do not adhere to the procedures and operating rules outlined in this handbook. What follows is an outline of PCTV's warning letter and suspension policy.

A warning letter will be sent to any producer who commits any of the following infractions. Three (3) warning letters in a particular area (portable, studio or editing) will be cause for a suspension from that area for 3 months to one year from the date of the last warning letter. Three (3) warning letters in each area constitutes suspension from the facility for 3 months to one year from the date of the letter.

PORTABLE EQUIPMENT INFRACTIONS (cameras, etc.):

- Failure to cancel twenty-four (24) hours in advance.
- Returning equipment late on the due day.
- Returning equipment late the day after it is due.
- Equipment returned improperly after one verbal warning.
- Using portable equipment for personal financial gain

STUDIO INFRACTIONS:

- Failure to cancel twenty-four (24) hours in advance.
- Not showing up for scheduled studio time.

- Abuse of studio/control room equipment.
- Drink and food in the control room.
- Use of abusive language to PCTV interns or staff.
- Showing up for studio time without a pre-production meeting/pre-production form.
- One (1) warning, then no pre-pro, no show.

EDITING INFRACTIONS:

- Failure to cancel twenty-four (24) hours in advance.
- Not showing up for scheduled edit time.
- Drink or food in the edit suites.
- Abuse of the editing equipment.
- Using equipment for personal financial gain

OTHER INFRACTIONS:

- Returning portable equipment two days late is an automatic suspension from portable usage for one year from the date of suspension and subject to a \$50 fee.
- Producers who break or lose equipment will be suspended until full replacement or repair on the equipment is made at the Producer's expense.
- Producers who are one (1) hour late for scheduled studio or editing time will forfeit that time to someone else.
- Any Producer with outstanding debt to PCTV will be suspended from the facility until payment is made.**

PCTV Facility Scheduling

Studio

2 reservations per month max. – only 1 reservation can be made per day

3 hours per reservation

2 evenings max. per month (*evenings are between 4 pm – 8 pm*)

1 Saturday per month max.

Studio Time Blocks (in general)

Mon - Fri	10:00 am - 1:00 pm	1:00 pm - 4:00 pm	5:00 pm - 8:00 pm
Saturday	10:00 am - 1:00 pm	2:00 pm - 5:00 pm	

Scheduling is subject to the studio priority scheduling method currently in place.

- *Odd ID #'s get priority scheduling in odd months,*
- *Even ID #'s get priority scheduling in even months. The priority guidelines are available upon request.*

Portable (ex. Camera, podcast)

1 day per week (including Fridays) and

1 weekend per month (exceptions can be made with permission of ED).

1 Camera per producer, unless additional cameras are approved by the ED.

Equipment can be scheduled for current month or following month.

Check-in hours: **by appointment**

Check-out hours: **by appointment**

Editing

6 hours per week (including Saturdays)

Additional time can be booked based on availability.

For all equipment usage, if time allotment has been used in a week, a producer can call on the "day of" to schedule additional time for that day

NOTE:

All reservation may be forfeited if you are an hour or more late for a facility/equipment reservation without notifying PCTV in advance.

Facility and Equipment scheduling guidelines are subject to change at any time.

Scheduling Studio Time

Producer:

ID #:

ID#: Choose ID type

When to call PACTV	How to schedule (date range)	
Jan 1 thru 7 Odd ID #'s Only	Jan 8 thru 31 Odd and Even ID #'s	Requests can be made for any date in February
Feb 1 thru 7 Even ID #'s Only	Feb 8 thru 28 Odd and Even ID #'s	Requests can be made for any date in March
Mar 1 thru 7 Odd ID #'s Only	Mar 8 thru 31 Odd and Even ID #'s	Requests can be made for any date in April
Apr 1 thru 7 Even ID #'s Only	Apr 8 thru 30 Odd and Even ID #'s	Requests can be made for any date in May
May 1 thru 7 Odd ID #'s Only	May 8 thru 31 Odd and Even ID #'s	Requests can be made for any date in June
Jun 1 thru 7 Even ID #'s Only	Jun 8 thru 30 Odd and Even ID #'s	Requests can be made for any date in July
Jul 1 thru 7 Odd ID #'s Only	Jul 8 thru 31 Odd and Even ID #'s	Requests can be made for any date in August
Aug 1 thru 7 Even ID #'s Only	Aug 8 thru 31 Odd and Even ID #'s	Requests can be made for any date in September
Sep 1 thru 7 Odd ID #'s Only	Sep 8 thru 30 Odd and Even ID #'s	Requests can be made for any date in October
Oct 1 thru 7 Even ID #'s Only	Oct 8 thru 31 Odd and Even ID #'s	Requests can be made for any date in November
Nov 1 thru 7 Odd ID #'s Only	Nov 8 thru 30 Odd and Even ID #'s	Requests can be made for any date in December
Dec 1 thru 7 Even ID #'s Only	Dec 8 thru 31 Odd and Even ID #'s	Requests can be made for any date in January

Every community producer has a unique Facil ID number that was automatically assigned when they were entered in the database. The last digit of the ID number will determine if you are in the odd or even group. (Sample even ID: 3142)

Pre-Production Form

Submit completed form to PCTV staff

Name:		Ph:	Email:
Today's Date:	Taping Day of week:	Taping Date:	Taping Time:
Program Title:			Planned show length: selection
Program Topic:			# of people on set (including hosts):
Live Call-in? <input type="checkbox"/>	Are you planning to produce 2 shows in one taping session? <input type="checkbox"/> No Facebook Live? <input type="checkbox"/>		Form reviewed by:

Important Notes: Producing 2 shows in one taping session requires prior production staff approval to determine practicality

1. Producers are responsible for setting up and/or assisting in setting up and breaking down set pieces
2. Reserve 15 min. for setting up and 15 min. for breaking down your sets (more if set is elaborate)
3. Please submit form at least 48 hrs. before your scheduled date. Allow more time for productions with greater needs.

Set Pieces & Background: (List all that will be used in your production)

PROGRAM OUTLINE – list in the order to be taped. This will provide a clear summary of your production goals			
Segment/Length	# People on set	Audio (What will happen/ what is needed?)	Video (What will happen/ what is needed?)
Show Open			
Segment/Length 1			
Break (if applicable)			
Segment/Length 2			
Show Close			

If more than 2 segments are required, continue on 2nd page

Audio Needs

Video needs

<input type="checkbox"/>	Lavaliere Mic	<input type="checkbox"/>	Phone Interview	<input type="checkbox"/>	Chromakey	<input type="checkbox"/>	Teleprompter
<input type="checkbox"/>	Handheld Mic	<input type="checkbox"/>	Table Mic	<input type="checkbox"/>	DVD Needing Ripped	<input type="checkbox"/>	Skype
<input type="checkbox"/>	Boom Mic	<input type="checkbox"/>	iPod/Phone Playback	<input type="checkbox"/>	Computer Graphics	<input type="checkbox"/>	Zoom
<input type="checkbox"/>	Audio Booth	<input type="checkbox"/>	Reverb	<input type="checkbox"/>	Character Generator	<input type="checkbox"/>	A/V Roll-in
<input type="checkbox"/>	Music/Effects CD	<input type="checkbox"/>	Other: (List details in additional needs section)	<input type="checkbox"/>	Gels – colors depend upon availability Color: _____ selection	<input type="checkbox"/>	File Type

Continuation of program segments if needed:

PROGRAM OUTLINE – list in the order to be taped. This will provide a clear summary of your production goals			
Segment	# People on set	Audio (What will happen/ what is needed?)	Video (What will happen/ what is needed?)
Segment/ Length 3			
Break (if applicable)			
Segment/ Length 4			
Break (if applicable)			
Segment/ Length 5			
Show Close			

Additional Needs: Anything that is not in the normal, basic studio set-up.
(eg. If you have a band or performers that need special set-up or equipment arrangements)

Will there be volunteers? If yes, who and in what capacity? (eg. cam operator, audio operator, set designer, etc)

Name	Production Role	Phone number

Technical Requirements for Programs Submitted for Playback on PCTV Revised 9-1-22

(Requirements may be revised as needed)

NOTE: HD files submissions are preferred

1. Media and Formats

Programs can be submitted as files only

File: Preferred submission format

PCTV program playback is now completely file based. Any of the following file formats are acceptable for program submission. These file types can be converted to the usable format for the PCTV playback system. Only the file types listed below will be accepted.

All files **must** be under 10G.

mp4 Preferred format	MOV (QuickTime),	MPEG-2 PS, MPEG-2 TS	VOB	Most other formats
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2. Program Length

- To be considered program length, show has to be a minimum of 15:00 min.
- Half hour programs should be not longer than 29:00 (easiest length to schedule)
- Hour programs should not be longer than 59:00
- If a program is over 1 hour long it has to be a minimum of 1:20:00 min. long.
- Although the 29:00 and 59:00 time ranges are the ideal lengths, we will still accept programs of varying lengths and will schedule them according to their length and schedule availability.

3. File Naming

- Files should be named the following way: ProgramTitle_Topic_SubmissionDate
- (ex. ItsMyShow_GardeningTips_9-12-19) Note: Do not include characters other than hyphens and underscores or the file will not play in the system

4. Program Submission

- All submissions must be accompanied by proper forms or your program will delay in airing.
- Submit program submission forms electronically along with each program file
- It is very important that you include the program length.
- You are required to have a Statement of Compliance on file at PCTV.
- **Email direct file links and program submission forms to:**
pctv21programs@gmail.com

5. Recording Quality

- Programs do not have to be "Broadcast Quality" but if they are of extremely poor video or audio quality, we cannot guarantee that they will be played.

PCTV Live Call-in Program Guidelines

The purpose of live shows is to allow interaction between the program participants and the viewing audience. Live shows require more preparation. All production elements have to be in place prior to the show. It's Live – you get one shot!

The following is required in order to produce a live show at PCTV:

- Produce at least 2 recorded studio shows at PCTV – demonstrating a clear understanding of production needs and responsibilities
- For a half hour show, at least 10 min. have to be available to take calls
- For an hour show at least 20 min. have to be available to take calls

If you are not leaving sufficient time to take calls, there is no need for the program to be live.

Live Call-in Program Availability and Scheduling

DAYS:

Monday – Friday (**ONLY**)

TIMES:

Studio Reservation: 1:00PM – 4:00PM

Airtime: 3PM

OR

Studio Reservation: 4:00PM – 8:00PM

Airtime: 6PM

Live Scheduling

The **entire month** is open for scheduling live programs based upon availability. There is no limit to the number of non-series live shows any one producer can have, **however, studio reservation rules still apply**

Can I Use Someone Else's Work? Can Someone Else Use Mine?

The following information taken from:

U.S. Copyright Office
101 Independence Avenue SE
Washington, DC 20559-6000
(202) 707-3000 <http://www.copyright.gov/>

How do I get permission to use somebody else's work?

You can ask for it. If you know who the copyright owner is, you may contact the owner directly. If you are not certain about the ownership or have other related questions, you may wish to request that the Copyright Office conduct a search of its records or you may search yourself. See the next question for more details.

How can I find out who owns a copyright?

We can provide you with the information available in our records. A search of registrations, renewals, and recorded transfers of ownership made before 1978 requires a manual search of our files. Upon request, our staff will search our records at the statutory rate of \$165 for each hour (2 hour minimum). There is no fee if you conduct a search in person at the Copyright Office. Copyright registrations made and documents recorded from 1978 to date are available for searching online. For further information, see Circular 22, How to Investigate the Copyright Status of a Work, and Circular 23, Copyright Card Catalog and the Online File.

How can I obtain copies of someone else's work and/or registration certificate?

The Copyright Office will not honor a request for a copy of someone else's protected work without written authorization from the copyright owner or from his or her designated agent, unless the work is involved in litigation. In the latter case, a litigation statement is required. A certificate of registration for any registered work can be obtained for a fee of \$35. Circular 6, Access to and Copies of Copyright Records and Deposit, provides additional information.

How much of someone else's work can I use without getting permission?

Under the *fair use* doctrine of the U.S. copyright statute, it is permissible to use limited portions of a work including quotes, for purposes such as commentary, criticism, news reporting, and scholarly reports. There are no legal rules permitting the use of a specific number of words, a certain number of musical notes, or percentage of a work. Whether a particular use qualifies as fair use depends on all the circumstances. See FL 102, Fair Use, and Circular 21, Reproductions of Copyrighted Works by Educators and Librarians.

How much do I have to change in order to claim copyright in someone else's work?

Only the owner of copyright in a work has the right to prepare, or to authorize someone else to create, a new version of that work. Accordingly, you cannot claim copyright to another's work, no matter how much you change it, unless you have the owner's consent. See Circular 14, Copyright Registration for Derivative Works.

Somebody infringed my copyright. What can I do?

A party may seek to protect his or her copyrights against unauthorized use by filing a civil lawsuit in federal district court. If you believe that your copyright has been infringed, consult an attorney. In cases of willful infringement for profit, the U.S. Attorney may initiate a criminal investigation.

Could I be sued for using somebody else's work? How about quotes or samples?

If you use a copyrighted work without authorization, the owner may be entitled to bring an infringement action against you. There are circumstances under the fair use doctrine where a quote or a sample may be used without permission. However, in cases of doubt, the Copyright Office recommends that permission be obtained.

Do you have a list of songs or movies in the public domain?

No, we neither compile nor maintain such a list. A search of our records, however, may reveal whether a particular work has fallen into the public domain. We will conduct a search of our records by the title of a work, an author's name, or a claimant's name. Upon request, our staff will search our records at the statutory rate of \$165 for each hour (2 hour minimum). You may also search the records in person without paying a fee.

I saw an image on the Library of Congress website that I would like to use. Do I need to obtain permission?

With few exceptions, the Library of Congress does not own copyright in the materials in its collections and does not grant or deny permission to use the content mounted on its website. Responsibility for making an independent legal assessment of an item from the Library's collections and for securing any necessary permissions rests with persons desiring to use the item. To the greatest extent possible, the Library attempts to provide any known rights information about its collections. Such information can be found in the "Copyright and Other Restrictions" statements on each American Memory online collection homepage. If the image is not part of the American Memory collections, contact the Library custodial division to which the image is credited. Bibliographic records and finding aids available in each custodial division include information that may assist in assessing the copyright status. Search our catalogs through the Library's Online Catalog. To access information from the Library's reading rooms, go to Research Centers.

Is it legal to download works from peer-to-peer networks and if not, what is the penalty for doing so?

Uploading or downloading works protected by copyright without the authority of the copyright owner is an infringement of the copyright owner's exclusive rights of reproduction and/or distribution. Anyone found to have infringed a copyrighted work may be liable for statutory damages up to \$30,000 for each work infringed and, if willful infringement is proven by the copyright owner, that amount may be increased up to \$150,000 for each work infringed. In addition, an infringer of a work may also be liable for the attorney's

fees incurred by the copyright owner to enforce his or her rights.

Whether or not a particular work is being made available under the authority of the copyright owner is a question of fact. But since any original work of authorship fixed in a tangible medium (including a computer file) is protected by federal copyright law upon creation, in the absence of clear information to the contrary, most works may be assumed to be protected by federal copyright law.

Since the files distributed over peer-to-peer networks are primarily copyrighted works, there is a risk of liability for downloading material from these networks. To avoid these risks, there are currently many "authorized" services on the Internet that allow consumers to purchase copyrighted works online, whether music, ebooks, or motion pictures. By purchasing works through authorized services, consumers can avoid the risks of infringement liability and can limit their exposure to other potential risks, e.g., viruses, unexpected material, or spyware.

For more information on this issue, see the [Register of Copyrights' testimony before the Senate Judiciary Committee](#).

Can a school show a movie without obtaining permission from the copyright owner?

If the movie is for entertainment purposes, you need to get a clearance or license for its performance.

It is not necessary to obtain permission if you show the movie in the course of "face-to-face teaching activities" in a nonprofit educational institution, in a classroom or similar place devoted to instruction, if the copy of the movie being performed is a lawful copy. 17 U.S.C. § 110(1). This exemption encompasses instructional activities relating to a wide variety of subjects, but it does not include performances for recreation or entertainment purposes, even if there is cultural value or intellectual appeal.

Questions regarding this provision of the copyright law should be made to the legal counsel of the school or school system.

My local copying store will not make reproductions of old family photographs. What can I do?

Photocopying shops, photography stores and other photo developing stores are often reluctant to make reproductions of old photographs for fear of violating the copyright law and being sued. These fears are not unreasonable, because copy shops have been sued for reproducing copyrighted works and have been required to pay substantial damages for infringing copyrighted works. The policy established by a shop is a business decision and risk assessment that the business is entitled to make, because the business may face liability if they reproduce a work even if they did not know the work was copyrighted.

In the case of photographs, it is sometimes difficult to determine who owns the copyright and there may be little or no information about the owner on individual copies. Ownership of a "copy" of a photograph – the tangible embodiment of the "work" – is distinct from the "work" itself – the intangible intellectual property. The owner of the "work" is generally the photographer or, in certain situations, the employer of the photographer. Even if a person hires a photographer to take pictures of a wedding, for example, the photographer will own the copyright in the photographs unless the copyright in the photographs is

transferred, in writing and signed by the copyright owner, to another person. The subject of the photograph generally has nothing to do with the ownership of the copyright in the photograph. If the photographer is no longer living, the rights in the photograph are determined by the photographer's will or passed as personal property by the applicable laws of intestate succession.

There may be situations in which the reproduction of a photograph may be a "fair use" under the copyright law. Information about fair use may be found at: www.copyright.gov/fls/fl102.html. However, even if a person determines a use to be a "fair use" under the factors of section 107 of the Copyright Act, a copy shop or other third party need not accept the person's assertion that the use is noninfringing. Ultimately, only a federal court can determine whether a particular use is, in fact, a fair use under the law.

Note: The Copyright Office offers introductory answers to frequently asked questions about copyright, registration, and services of the Office. Links throughout the answers will guide you to further information on our website or from other sources. For any other questions, please visit our [Contact Us](#) page.

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NOTE:

- *What can happen if one does not get permission?*

You can be sued.

What is Obscenity?

The 1973 United States Supreme Court landmark case, *Miller v. California*, established a three-pronged test for determining whether a "work" (i.e., material or performance) is obscene and, therefore, unprotected by the First Amendment. To be obscene, a judge and/or a jury must determine:

- 1. That the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the sexual interest; AND**
- 2. That the work depicts or describes in a patently offensive way, as measured by contemporary community standards, sexual conduct specifically defined by the applicable law; AND**
- 3. That a reasonable person would find that the work, taken as a whole, lacks serious literary, artistic, political and scientific value.**

Examples of "hardcore sexual conduct" that an obscenity law could include for regulation under the second prong of the test are patently offensive representations or descriptions of:

- Ultimate sexual acts, normal or perverted, actual or simulated;
- Masturbation, excretory functions and lewd exhibition of the genitals; and
- Sadism and masochism.

What is Indecency?

In its only decision involving broadcast indecency, *FCC v. Pacifica*, the U.S. Supreme Court noted in 1978 that the "normal definition of 'indecent' merely refers to nonconformance with accepted standards of morality." The FCC presently defines "indecent" for the broadcast media as:

"language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards in the broadcast medium, sexual or excretory activities or organs."

This definition of "indecent" is similar to part two of the *Miller* obscenity definition, but in determining whether a particular TV ad or program, or part thereof, is "indecent," it is not necessary to also determine parts one and three of the obscenity test. A single depiction or description on TV of sexual or excretory activities or organs could be "indecent," even though the program or ad of which it is a part, when taken as a whole, did not appeal to the prurient (sexual) interest or had serious value and was therefore not obscene.

Federal law has prohibited the broadcast of indecent material since 1927.

Governmental Justifications for Obscenity Laws

1. In *Roth v. United States* (1954), the Supreme Court answered the question "whether obscenity is utterance within the area of protected speech and press." In holding that obscenity is "not within the area of constitutionally protected speech or press," the *Roth* Court quoted from its earlier *Chaplinsky v. New Hampshire* decision:

"There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene....[S]uch utterances are of no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the *social interest in order and morality.*"

2. Mr. Justice Harlan, concurring in *Roth v. U.S.*, said:

"[E]ven assuming that pornography cannot be deemed ever to cause in an immediate sense, criminal...conduct, other interests within the proper cognizance of the State may be protected by the prohibition placed on such materials. The state can reasonably draw the inference that over a long period of time the indiscriminate dissemination of materials, the essential character of which is to degrade sex, will have *an eroding effect on moral standards.*"

3. In *Paris Adult Theatre I. v. Slaton* (1973), the Supreme Court REJECTED the argument that government cannot regulate obscenity unless it has "scientific data" which "conclusively demonstrates" that "exposure to obscene material adversely affects men and women or their society." The *Paris* Court identified several valid governmental interests that justify a prohibition on obscenity:

a. **"In particular, we hold that there are legitimate state interests at stake in stemming the tide of commercialized obscenity, even if it is feasible to enforce effective safeguards against *exposure to juveniles and to passersby*..These include the interest of the public in *the quality of life and total community environment*, the *tone of commerce in the great city centers*, and, possibly, the *public safety itself.*"**

b. **"As Mr. Chief Justice Warren stated, there is a '*right of the Nation and of the states to maintain a decent society.*'"**

c. **"Although there is no conclusive proof of a *connection between antisocial behavior and obscene material*, the legislature... could quite reasonably**

d. **"The sum of experience...affords an ample basis for legislatures to conclude that a *sensitive, key relationship of human existence, central to family life, community welfare, and the development of human personality, can be debased and distorted by crass commercial exploitation of sex.*"**