

MEMORANDUM

From: Gary R. Ansier, Archdiocese of Chicago, Office of Legal Services
To: Vicariate Administrative Consultants for Dissemination to Parish-Level Staff
Date: June 12, 2013
Re: CVLI License Fee Increase

As you know, we have been in discussions with CVLI respecting the "sticker shock" many of our parishes are feeling from the recent increases to CVLI's licensing fees.

In many cases, CVLI's recent fee increases have seen parish licensing fees more than double or even triple. According to CVLI, this price increase is a necessary cost of doing business. CVLI claims it must raise prices for the first time in over ten years in order to keep up with the growing cost of expanding and maintaining their library of movie titles. However, this price increase may cause a financial burden to our parishes.

While our discussions with CVLI have resulted in a promised discount of 15-20% off of their current price increases, that may still be too much of a financial burden for our parishes to bear based on the actual need they have for this license. That is why I recommend our parishes reassess whether they actually need this license. We are providing this email in order to update you on the situation and to provide a short summary of when the CVLI license is needed. Please forward this to the parishes within your Vicariate so they may determine whether the cost of the license is justified based upon their needs. If there are any questions, please refer them directly to me at gansier@archchicago.org or (312) 534-8306.

TYPES OF LICENSES:

- "Church License" which authorizes our parishes to show movies to our parishioners for entertainment purposes within the church setting, which includes babysitting programs during Mass, youth ministry programs, CCD programs, etc.
- "School License" which authorizes our parishes to show movies for entertainment to our school students as part of the school day or as part of a before/after school program.

WHEN LICENSE IS NOT NEEDED:

- If we do not show movies in church (including youth ministry, CCD and other programs) to our parishioners, the Church License would not be necessary.
- If we do not show movies to our school children, whether as part of the school day or as part of a before/after school program, then the School License would not be necessary.
- In addition, under the "educational exemption" of federal copyright law, entertainment-based movies may be shown in a school without this license if all of the following criteria are met:
 - A teacher or instructor is present;
 - The movie is shown in a classroom setting with only the enrolled students attending;
 - The movie is shown as part of the core curriculum being taught (the instructor should be able to show how the use of the motion picture contributes to the overall required course study and syllabus); and
 - The movie being used is a legitimate copy, not taped from a legitimate copy or taped from TV.
- Educational-based movies made for an express educational purpose are purchased with an inherent intent to be shown for such purpose and a license would not be needed to show this

type of programming. You can differentiate between these programs and entertainment-based programs by reading the copyright message at the beginning of the recording.

- Consequently, if our schools are only showing movies for educational purposes as part of the core curriculum, the School License would not be needed.
- However, if we are showing movies for entertainment purposes within the church setting or for students as part of the school day or as part of before/after school programs, then either the Church License or School License would be necessary.
- Only the parishes can determine their use and whether this license is needed.

RECOMMENDED CHECKLIST FOR PARISHES:

- I recommend all parishes use the following checklist to determine their licensing needs.
 - Do we show movies for entertainment purposes within a church setting for such programs as babysitting during mass, CCD, youth ministry, etc? If "yes," then we need to pay for the Church License. If "no," then we do not need to pay for that license.
 - Do we show movies within our schools, either during the regular school day or as part of before/after school programs? If "yes," then we need to look at the next item to determine our licensing needs. If "no," then we do not need to pay for the School License.
 - Do we show movies solely for an educational purpose with all of the following criteria present? If "yes," then we do not need to acquire the School License. If "no," then we would need to acquire School License.
 - Criteria for educational exemption of federal copyright law:
 - A teacher or instructor is present;
 - The movie is shown in a classroom setting with only the enrolled students attending;
 - The movie is used as an essential part or reinforcement of the core curriculum being taught (the instructor should be able to show how the use of the motion picture contributes to the overall required course study and syllabus); and
 - The movie being used is a legitimate copy, not taped from a legitimate copy or taped from TV.

CONCLUSION:

I recommend our parishes review this email to determine whether they need the CVLI license. If our parishes and schools are not showing movies to their parishioners and students, then they would not have a need for the license. Additionally, if our parishes are only showing movies to our school children, but only for educational purposes as part of the core curriculum, then this use is exempted and there is no need for the license. However, if our parishes are showing movies for an entertainment purpose to either parishioners in church or students within our schools, then some type of license would be needed. If there are any questions or uncertainties on the parish level respecting this issue, I encourage you to direct such questions to me at gansier@archchicago.org or (312) 534-8306. Thank you very much.