**Response #1:**

Here's what we do:

Do you buy blanket performance rights with all titles that offer them?  NO -- we automatically buy performance rights only when the distributor does not offer institutions/libraries with any other option.

If a faculty member or department needs PPR on a title in the library’s collection for which it was not initially purchased, will the library retroactively purchase a screening license for that title? YES -- our acquisitions staffer will make the PPR purchase but who pays for it is determined on a case-by-case basis; sometimes the other department will split the cost with the library.

If a distributor does not offer PPR with the purchase of a title but rather requires that you purchase a one-time screening license for each showing of the film on campus (as is the case with Swank) does the library purchase the license?  NO -- there is no benefit to the library for us to pay this one-time fee; with Swank, it's usually our student services office or an SGA group that wants to show a film, and they have instructions on how to go about purchasing that one-time license themselves

Do you have a special budget that covers costs related to PPR or do these charges come from your general library materials budget?  No special budget, library PPR purchases comes from general library materials budget (and as noted above, is sometimes split with a requesting dept.)

Do you have an official library policy relating to the purchase of PPR?  NO, not that I'm aware of, but we should :-)

Kat

**Response #2:**

We are in the midst of making policy decisions on this ourselves. We just had a faculty member ask about four Chinese feature films that they want to screen at a living/learning community film series. We are helping with doing some research, but we are sending the contact information to him. The securing of the rights and the billing will be outside the library.

I'd say we are using this as a test case to see how much we can get involved with it. Some educational/instructional films we buy with the rights. But anything we buy from Midwest Tape or Amazon will not have those rights.

Streaming rights are another story. We will try to get the rights for a dvd we have in the collection already. But we don't have funding to pay for rights that may allow use for just one month or perhaps up to a three year term. The past several months we have been approached for lots of streaming and PPR situations. This is helping us to formulate our policy. Funding is a huge concern. More problematic is the amount of staff time it can take. Also, you may never get a response back from the distributor.

If you summarize the answers to your question, we'd be very interested to read about trends. Thanks so much.

Christine

**Response #3:**

Responses below for Duke University Libraries film/video acquisitions.

Cheers,

Danette

Hello,

I’m doing some research on academic libraries and policies governing the purchase of public performance rights for scholarly media.  I’m hoping that you all can provide me with some insight as to how your institution determines whether the library should be responsible for the purchase of screening rights.  I would appreciate it if anyone could provide me with answers to any the questions below:

* Do you buy blanket performance rights with all titles that offer them?
NO.
* If a faculty member or department needs PPR on a title in the library’s collection for which it was not initially purchased, will the library retroactively purchase a screening license for that title?

SOMETIMES.

* If a distributor does not offer PPR with the purchase of a title but rather requires that you purchase a one-time screening license for each showing of the film on campus (as is the case with Swank) does the library purchase the license?
NO.
* Do you have a special budget that covers costs related to PPR or do these charges come from your general library materials budget?
GENERAL LIBRARY MATERIALS BUDGET.
* Do you have an official library policy relating to the purchase of PPR?

NO.

P.S. I have been purchasing fewer titles with PPR in the last few years and going with the case-by-case retroactive purchase of a title w/PPR when the screening on campus crops up. If a home use copy is available for purchase, I’ll almost always purchase that. With a few distributors, that have small lists of new titles, I’ll purchase with PPR to support their efforts (e.g. Milestone Films that works had to restore lost treasures, etc.). But if a title is requested and it isn’t available for a home use price, I’ll buy with PPR.

**Response #4:**

I will plug the answers I give (For Portland Community College in Oregon) after your questions, below.  Tony Greiner

---------- Forwarded message ----------

·         Do you buy blanket performance rights with all titles that offer them?

*No- In fact we only buy them if they are just a little bit more ($20-30) than the video purchase.*

·         If a faculty member or department needs PPR on a title in the library’s collection for which it was not initially purchased, will the library retroactively purchase a screening license for that title?

*Public Performance Rights are not needed for classroom use. If the department wants to show the movie in some forum that is open to the public, they can purchase the PPR themselves.*

·         If a distributor does not offer PPR with the purchase of a title but rather requires that you purchase a one-time screening license for each showing of the film on campus (as is the case with Swank) does the library purchase the license?

*We have not run across this, but I doubt we would.*

·         Do you have a special budget that covers costs related to PPR or do these charges come from your general library materials budget?

*On the rare times we buy them, it comes from the materials budget.*

·         Do you have an official library policy relating to the purchase of PPR?

*Yes, we do not buy them unless they are inexpensive.*

**Response #5:**

Hello Lindsay,

I have the government purchase card our library uses to buy materials we cannot obtain from our contract book vendor. I have been doing this for 11 years. PPR is a constant source of irritation. Years ago, I was verbally instructed to always purchase PPR when available. I still follow that rule except when directed--in writing--to do otherwise. Please do not quote me by name or institution. Given that, here are my responses (in italics):

1. Do you buy blanket performance rights with all titles that offer them? *Yes unless the cost is prohibitive. In that case, we don't purchase the title. (On occasion, that decision has prompted the company to make some kind of deal with us.)*

2. If a faculty member or department needs PPR on a title in the library's collection for which it was not initially purchased, will the library retroactively purchase a screening license for that title? *This has never come up. (Most of the faculty members do not care about PPR.)*

3. If a distributor does not offer PPR with the purchase of a title but rather requires that you purchase a one-time screening license for each showing of the film on campus (as is the case with Swank) does the library purchase the license? *This has never come up.*

4. Do you have a special budget that covers costs related to PPR or do these charges come from your general library materials budget? *The charges come from the general library materials budget. They are not reported separately. The watchdogs of the government purchase card program occasionally want to know why I could have purchased a title for $29.95 but spent $74.95 instead.*

5. Do you have an official library policy relating to the purchase of PPR? *No.*

Titles that specifically say “For Home Use Only” are a different animal with its own set of problems. I hope this helps you. Please feel free to call if you have any questions.

**Response #6:**

Hi Lindsay,

As Chair of Out of Print Discussion Group I receive acqnet e-mail, so I thought I could pass along a little experience I have had with other libraries and PPR.

Many academic libraries only purchase the rights after purchase and only when applicable. Fair use allows for personal viewing and presentation to a class in a closed audience situation. It used to be you only had to pay PPR if you were charging admission, but now any public viewing outside the personal or classroom setting is considered public performance. Believe it or not there are legal interns who spend most of their day poring over student newspapers and publications looking for performances of media that they can cash in on. Fines can run into the hundreds of dollars. Some libraries take that chance and pay the fine (which is often around the PPR cost).

Academic libraries that are circulating a lot of media will prominently post PPR guidelines and attach warnings to the media package. But we all know how observant students can be of rules.

 Have you run this by your legal counsel at the College?

Here are some guidelines I have encountered.

<http://www.ala.org/tools/libfactsheets/alalibraryfactsheet07>

<http://conference.ifla.org/past/2011/161-jenemann-en.pdf>

 [http://www.kennesaw.edu/student\_life/forms/RSO/Guidelines%20&%20Policies/copyright\_law.pdf](http://www.kennesaw.edu/student_life/forms/RSO/Guidelines%20%26%20Policies/copyright_law.pdf)

sincerely,

John Riley
Busca, Inc.
Chair, O.P. Discussion Group, ALCTS

**Response #7:**

Lindsay! A colleague here at USC forwarded your message.  We have two libraries here possessing substantial DVD holdings: The Cinematic Arts Library and the Leavey Library. I am the principal selector for the Leavey collection. Presently we have approximately 7000 films in Leavey,  with  about 2150 of them being documentaries. It is our policy to **always** purchase documentaries at the institutional price set by the vendor, which includes PPR. Some documentaries are not always available for purchase with PPR (such as the Michael Moore films), but we go ahead and buy such DVDs anyway. This is a very small percentage of our documentary collection, maybe 100 or less. So far we have not had a situation where PPR is needed for a documentary which we did not initially purchase with PPR. Money used to purchase documentary films generally comes out of our DVD fund, the institutional rate factored therein. As a rule we almost never purchase feature films with PPR. If a student group or another campus organization wishes to have a public showing of a library DVD for which the Library has not purchased PPR, it is the responsibility of that group or organization to secure the one-time licensing permission **and** to pay for it themselves. The Library strictly stays out such things.  None of these policies above have are written down, but come six weeks we are getting a new Associate Deans for Collections and perhaps then we shall start actually codifying them.

By trying to always purchasing all documentary films with PPR, I suspect USC is not typical to most other academic libraries acquiring DVDs.

Please let me know if you might have any additional questions.

If you are at all into DVD acquisitions, I do hope you might consider attending the National Media Market which will meeting right there in Charleston at the beginning of November. <http://www.nmm.net/>

I’ll be there!

Best,

Anthony