**MPLC Umbrella License**® **Frequently Asked Questions**

**Q: We are a private practice. Do we still need a public performance license?**

**A:** Yes. Title 17 of the U.S. Copyright Act § 101 defines public to mean “a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered…” Additionally, according to Senate Report No. 94-473, p. 60, “performances in ‘semipublic’ places such as clubs, lodges, factories, summer camps and schools are ‘public performances’ subject to copyright control.” Together these leave no doubt that any exhibition at your practice would be considered a public performance.

**Q: We are a non-profit practice. Do we still need a public performance license?**

**A:** Yes. The U.S. Copyright Act applies equally to non-profit and for-profit organizations, regardless of whether an admission or other fee is charged.

**Q: What does an Umbrella License do for my practice?**

**A:** The MPLC Umbrella License allows your practice to exhibit copyrighted motion pictures and other audiovisual programs to which MPLC has received the rights to (“Works”) from all legal formats whether rented or purchased via stream or download.

**Q: We show movies and TV shows that we have purchased or rented on DVD or through an online streaming service subscription. Do we still need a license to view or show it in our practice?**

**A:** Yes. The location requires a license regardless of who owns the content., While you may have rented, borrowed, or purchased an audiovisual program, you are you are only granted the right to view it for personal, private use, not to perform it in public , such as at your practice.

**Q: We have a Netflix account. Do we need a license?**

**A:** Yes. Netflix is limited to the customer’s personal and non-commercial use only, therefore a license is required.

**Q: We received a legal letter from MPLC. Why?**

**A:** MPLC has over 10,000 field representatives who investigate copyright violations. If you received a legal letter, a report was filed that there are unlicensed exhibitions at your office.

**Q: We have a DVD player in our reception area, but do not provide any movies. Patients sometimes bring in their own. Do we still need a license?**

**A:** Yes. If you allow patients to bring in their own DVDs to watch, your practice can be held as vicariously liable or considered a contributory infringer simply by providing the equipment to watch the movie.

**Q: We only provide tablets or other devices for patients to select programs via Netflix, etc. Do we still need a license?**

**A:** Yes. You are providing the hardware and the content to enable the performance, therefore a license is required. However, if your patients use their own device and content, then a license would not be required.

**Q: We purchased the Cinema ProMed system. Do we still need a license?**

**A:** Yes. A license is required because you are providing the hardware and the content.

**Q: We have cable TV. Do we still need a license?**

**A:** A license is required for any non-advertiser supported, premium, or pay per view channels and programs. However, basic cable channels do not require a license.

**Q: Can we show Public Domain or educational titles that include the performance rights?**

**A:** Yes. However, Public Domain titles are very old and difficult to obtain. Virtually all educational titles that include public performance rights are only for sale to non-profit educational institutions, such as schools.

**Q: Does the license cover our entire office?**

**A:** Yes. The Umbrella License allows unlimited exhibitions in any room in your office. However, large clinics with several shared reception areas may be licensed as separate locations.

**Q: Does MPLC provide a discount for licensing multiple offices?**

**A:** Yes. MPLC provides an economies of scale discount to AAPD members licensing two or more office locations.

**Q: Do we have to obtain a license?**

**A:** No. Only if you wish to show copyrighted Works. AAPD encourages and promotes the *legal* use of copyrighted motion pictures and audiovisual programs. Fines for non-compliance start at $750 for each inadvertent violation, and up to $150,000 for each egregious violation.