

DO YOU NEED A MOTION PICTURE LICENCE?

In this guidance note, the National Trainer's Federation explains the licences that our members may need to broadcast copyright content in public. A number of our members have recently been contacted by the Motion Picture Licencing Company ("MPLC") advising that they may require a Motion Picture licence ("MP licence") to show films, TV shows and other content in public areas at your premises. This note is intended to give you some guidance on the circumstances where a MP licence is likely to be required.

What is the difference between a TV licence and a MP licence?

You must obtain a TV licence to watch, record and download programmes as they are being shown live on TV and on any channel, regardless of whether you are doing so in private or in public (see point 2 for what "in public" means). The TV licence also enables you to watch or stream programmes live on an online TV service such as ITV Hub, All 4, You Tube, Amazon and Sky Go etc and to download or watch any BBC Programmes on iPlayer. By obtaining a TV licence you are paying to show the live and iPlayer content.

You need a MP licence if you show MPLC's protected content in public. The MPLC represents the majority of rightsholders who are creatives of copyright content (which includes films, television programmes and other audio-visual content (aka "Work"), such as film and television producers and distributors. MPLC's primary objective is to protect the rightsholders whilst providing the licences for the public to access and enjoy the copyright content which is originally intended for personal use only. You do not need a MP licence if you are showing the Work in a private setting (e.g., watching a movie in your own family home with family). By obtaining a MP licence you are paying to be able show the Work in public areas.

Does your yard need a MP Licence?

Whether you need a MP licence can usually be answered by 2 key questions:

1) **Are you showing Work in public?**

The law states that only the copyright owner has the right to *perform, show or play the Work in public*. The term "public" has a broad meaning and generally covers any setting which is **not** domestic or quasi-domestic (for example, one's own family home). It is likely to capture your canteen areas, owner areas, communal spaces and any dormitory or hostel style communal living spaces that you provide for staff or business visitors to your yard.

The general rule of thumb is that anyone who is not the copyright owner must obtain a MP licence to show the Work outside of a domestic and private context. Consequently, unless you are showing the Work within your home to a normal circle of family and family friends (i.e., not employees or business customers such as owners) you will require a MP licence to show the Work in your yard.

2) **If you are showing Work in public, what content are you showing?**

In nearly all circumstances where you are showing Work in public you will require a MP licence. Dedicated rolling news channels and dedicated live sports broadcasts are in many cases likely to not require a MP licence as they are not Works covered by a MP licence **HOWEVER**, MPLC is

likely to argue that their licence captures any other content which may appear on those channels. That might include a claim that content in adverts falls within a MP licence. In those circumstances, even if you are able to lock a TV monitor (or other device) to a specific channel showing dedicated live sport content and/or rolling news, whilst your risk of requiring a MP licence is reduced, it may not be eliminated.

If you are showing any content that goes beyond dedicated rolling news channels and dedicated live sports broadcasts, it is almost certain you will require a MP licence. If you limit content to dedicated rolling news channels and dedicated live sports broadcasts, then constant care needs to be taken to ensure that no other content was allowed to be broadcast or shown **in public**.

How many MP licences do I require and how much does a MP licence cost?

MPLC has set licence fees based on the type and size of the facility. If the facility does not fit in to the categories listed, the fee will be based on the nature and size of the anticipated licence. Alternatively, you can obtain a MPLC Umbrella Licence for a public place where it is difficult to control and report the viewing of films and TV show.

To illustrate, a fee for a canteen/reception area or similar is currently (February 2021) in the region of £102 plus VAT (per year) and for a hostel shared sitting room it is in the region of £8 plus VAT multiplied by the number of bedrooms in the hostel (per year). For more information, contact MPLC at www.themplc.co.uk/contact.

To conclude, we advise that you take a cautious approach and obtain a MP licence, unless there can be no dispute or ambiguity that you do not show the Work in public, or alternatively the content is licenced by other licensors. The MP licence fees are minimal in contrast to the substantial fines (which has no maximum cap) and penalties (including criminal penalties) under the law. Should you have any specific queries regarding the licence, please contact MPLC directly.

The below diagram illustrates the points above:

