

# COPYRIGHTS, CLEARANCES & STUDENT FILMMAKING

As student filmmakers, you want your work to be exhibited to the widest possible audience. **Public screening** of your film requires that it be “cleared” so that you do not have to defend yourself from lawsuits brought by injured parties.




In brief, you must have **permission** to use what belongs to someone else – that is – their likeness, their personal property and their intellectual property.

If you fail to obtain all the necessary clearances, waivers, rights and permissions – your project will be limited to “classroom” screenings only. That precludes showing at any film festival, public screening and on network or cable television – as well as other public venues.

**This guide is intended to give you a general idea of what is needed in the way of clearances. It is not intended to be comprehensive nor should it be construed as legal advice.**

## LOGOS, BRANDNAMES AND TRADEMARKS

When distinctive personal property that is identifiable with any person or entity ( a logo like the

Nike “swoosh”  or a brand name like Apple Computer  or a trademark like  ) is filmed in a scene, you may need consent in writing to use such property.

Most importantly, you may not photograph any trademark or logo that presents a company or entity represented, or its product, in a detrimental or defamatory way. To do so would expose you to a lawsuit for slander and/or libel.

If the property is non-distinctive background, you most likely do not need permission to film it. For example, if you are filming an exterior street scene and the McDonald’s arches can be seen indistinctly in the background, but no reference (either direct or implied) is made to that company, then you do not need their permission.

Some sources of **cleared** printed material (labels, posters, signs, etc.) are:

**Earl Hays Press**  
10707 Sherman Way  
Sun Valley, CA 91352  
818 765 0700

**SGI Studio Graphics**  
9545 Wentworth St.  
Sunland, CA 91040  
818 951 5615

## **COPYRIGHTED MATERIAL**

There must be **written consent** from authors, creators and writers of all material – including quotations from copyrighted works used in the production – authorizing the use of that material.

We recommend that you avoid using copyrighted material. Getting the appropriate permissions takes a lot of time; costs more than a student film can generally afford and may require legal counsel.

Whenever possible, consider using fictitious names, companies and products to avoid problems.

## **FILMCLIPS, TAPES, ARTWORK AND STILL PHOTOS**

You must obtain permission from the company that presently owns the **film** or **tape**. Keep in mind that the material may have changed ownership since its original release or showing.

If you were to get clearances on your own you will probably need to obtain releases from the Writer's Guild, the Screen Actor's Guild, the Director's Guild, the American Federation of Musicians as well as any other group that participated in the origination of the clip. Be aware that there is often a charge for these releases.

Clearances of clips involving music can be even more lengthy and complex – as well as more expensive. If the clip is from a home movie or other non-commercial production it may also be necessary to get permission from the people who appear in the clip.

To use a **photograph** you need the permission of the copyright holder and a release from the person(s) in the photo if not previously granted.

You need the written permission of the owner of a piece of **artwork** to use that material in your film.

The solution most often used by professionals is to use **stock footage**. There are a great many companies ( who are all listed in LA411 ) that provide not only film clips, but photos and artwork that are cleared. They charge for this service and the rates range from \$25.00 a second and up. A few of the better known companies are:

**Producer's Library Service, Inc.**  
10832 Chandler Boulevard  
North Hollywood, CA 91601  
[www.filfootage.com](http://www.filfootage.com)  
stock footage and movie clips

**The Bridgeman Art Library**  
212 828 1255  
[www.bridgeman.co.uk](http://www.bridgeman.co.uk)  
fine art images

**Warren Miller Entertainment**  
303 442 3430  
[www.warrenmiller.com](http://www.warrenmiller.com)  
adventure/action sports

**The Image Bank by Getty Images**  
75 Varick Street  
New York, NY 10013  
[www.gettyimages.com](http://www.gettyimages.com)  
footage and still photos

## MUSIC

### ORIGINAL MUSIC

We strongly encourage you to consider using original music, scored specifically for your film. The advantages are numerous - from creative to rights - and there are many talented composers and musicians who offer their services to SFTV students.

Generally, the expense is minimal and covers material costs. Don't forget to have a written agreement with your composer!

### PRE-RECORDED or PUBLISHED MUSIC

All previously published music or pre-recorded must be cleared, regardless of how much or how little of that music is used in your project.

Keep in mind there are **different rights** associated with any piece music. The two that you as a filmmaker need to be concerned with are:

**Synchronization Rights** – are the rights to record music as a part of your film. They are usually controlled by one (or more) Publishers – gives you the right to use the underlying composition (song or melody) in timed synchronization with your picture.

**Performance Rights** – getting this right allows you to recite, play, sing, dance or act out a piece of music.

If you want to use a specific recording ( a CD) then you will need to get:

**Master Use License**– this is a contract to license a recording. It is usually controlled by a Record Company.

So, to clear a pre-recorded piece of music you will need the following in writing:

- Performance & Synchronization License (from the publisher(s))
- Master Use License (from the Record company)
- Permission from the performer(s) or other third parties, as advised by either the publisher or record company.

For example:

If you have a character in your film hum, sing or whistle “Sympathy for the Devil” you will need to get the PERFORMANCE RIGHTS from ABKCO Music , Inc.

If you want to use “Sympathy for the Devil” from the ROLLING STONES CD (all or part) in your soundtrack you will need to get the MASTER USE LICENSE and SYNCHRONIZATION RIGHTS from ABKCO Music, Inc.

If you want to use “Sympathy for the Devil” from the GUNS N’ ROSES CD (all or part) in your soundtrack you will need to get the MASTER USE LICENSE from GEFEN RECORDS and the SYNCHRONIZATION RIGHTS from ABKCO Music, Inc.

The following companies can help you find out who owns the music you are interested in and also help with securing the proper rights. They do so for a fee, however.

**ASCAP Clearance Express**

<http://www.ascap.com/ace/ACE.html>

Clearance Desk:

212 621 6160

**Harry Fox Agency**

<http://www.harryfox.com>

Theatrics Department:

212 370 5330

**SESAC Repertory On-Line**

<http://www.sesac.com/repertory.html>

800 826 9996

**BMI Hyperrepertoire Internet**

Song Title Database

<http://www.bmi.com.repertoire>

Research Department:

310 659 9109

**LIKENESSES**

You need people's written permission to use their likeness (that is, their face) in your film – if they are recognizable on screen.

However, if you are shooting a crowd scene – at the Rose Bowl, for example – and if you do not focus on any one person or show their image for more than a second or two, then you do not need their permission. It may also help to post signs around your location like the following :

**ATTENTION !**

Today there will be motion picture, video and still camera crews from the **Loyola Marymount University School of Film and Television** photographing areas marked behind these signs.

Their work may become part of a movie or video distributed in any and all media. If you do not want to be photographed and thereby allow for your likeness and photographs to become part of the film or video, please do not enter the area bound by these signs

By your presence in such areas, you are consenting to the use of your likeness for the above stated purpose.

## CLEARANCES AND PERMISSIONS

A sign like this does not absolve you from the responsibility to get the proper releases, but it may prevent some unpleasantness with the citizenry. People who have a problem appearing in your film have the opportunity to avoid the camera.

### **CHARACTER NAMES, ADDRESSES, PHONE NUMBERS, LICENSE PLATES**

Where the work is fictional, in part or in whole, the names of all characters must be fictional. There are obviously very many people named John Smith, but you have to make sure there is no one named John Smith, who matches your character in age, ethnicity, address, occupation, etc.

You cannot use real phone numbers or addresses in your fictional work. The telephone numbers 555-0100 to 555-0199 will never be assigned to any individual or business and are often used in films and television.

Prop houses have phony license plates for rent so no one can claim you used their license without permission.

### **LOCATIONS**

The general principles of law would allow you to film anything visible to the general public so long as you do not defame or disparage it. If you are filming on a city sidewalk with a valid Filming Permit you don't have to worry about signage in the background. However, if you have your actors go into a real place of business you will need a Location Release

The **Location Release** says that the owners give you permission to shoot on their property.

The **Filming Permit** is a legal document generated by a governmental body (like the City of LA) that gives you permission to shoot a film in that city. A permit is required for filming or taping any commercial motion picture, television program, advertisement, music video, or other similar production outside of an approved studio, and for certain commercial still photography.

**ALWAYS get a Release.** *"No location is secured until you have **written** authorization.* The Location Release must be signed by the **property owner**.

**ALWAYS get a Permit** - even in your own living room. You are not LEGALLY AUTHORIZED to shoot until you have an approved city permit in your hand. It will protect you; **shooting without it is not an option.**

- **The Location Library:** located in the same building as the **State Permit Office** (7080 Hollywood Blvd.) It is the largest film location library in the world, with over 400,000 photographs of locations. [www.cinemascout.com](http://www.cinemascout.com)
- The **State of California Permit Office.** They do not charge any application or permit fees. However, you will be required to pay wages of any State employees required on the set:

## CLEARANCES AND PERMISSIONS

Park Ranger (for State Parks) (\$55/hr),  
CHP (\$41/hr, 4 hour minimum)  
CalTrans (\$70/hr)  
Prison employee (\$50/hr).

Additionally, if you want to shoot past normal operating hours for a facility, you must pay the employees for their overtime. They require **at least two days** to process permit requests.

- The **Los Angeles City/County Permit Office** (EIDC) covers the Los Angeles City and County. It is located at 7083 Hollywood Blvd., near the intersection of Hollywood and La Brea, on the 5th Floor of the Stephen J. Cannell Building. They will waive all fees for student films shot in conjunction with **classwork**.

**They prefer to receive your request a week before the first shooting date.** Part of the processing of your request includes running it by the County Fire Department to determine whether or not you will be required to have a FIRE SAFETY OFFICER. Usually you will need a FIRE SAFETY OFFICER if you have more than 25 persons and are shooting in an interior with a generator, or more than 50 persons and are shooting outside with a generator.

**As a student you will have to fill out an CERTIFICATION FORM, available in SPO, to shoot in the City of L.A.** ( the City of L.A. wants to make sure that you really are a student production before giving you a free permit)

### **NO FAXES ARE ACCEPTED FROM STUDENTS WAIVING FEES**

Please keep in mind that this is the busiest film office in the country. They have an extremely heavy work load which leaves them with little patience for pushy, unprepared, or impolite film students. Be nice! Be patient!

If you want to shoot at a County facility (such as a county park), call the County office and get the phone number of the appropriate park ranger, who is the Agent for the park.

**You must bring your permit application in person** and then come back to pick up your permit when it is ready and sign your fee waiver.

### **YOU MUST BE SURE TO PICK UP YOUR PERMIT**

If you fail to pick up your permit, your name will be placed on a list and your student privileges will be **permanently** revoked.

**Los Angeles City/County Permit Office**  
7083 Hollywood Blvd. , Fifth Floor  
Hollywood, CA 90028  
(323) 957-1000  
Fax: (323) 463-061

**State of California Permit Office**  
7080 Hollywood Blvd. Ste. 900  
Hollywood, CA 90028  
(323) 860-2960

## **COPYRIGHTING YOUR OWN WORK**

Copyright is secured ***automatically*** when the work is created, and a work is "created" when it is fixed in a copy for the first time.

"Copies" are material objects from which a work can be read or visually perceived either directly or with the aid of a machine or device, such as books, manuscripts, sheet music, film, videotape, or microfilm.

The COPYRIGHT notice should contain all the following three elements:

1. **The symbol ©** (the letter C in a circle), or the word "Copyright," and
2. **The year of first publication** of the work and
3. **The name of the owner of copyright** in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.

Example:

**© 2002 John Doe**

If you are interested in knowing more, visit the U.S. Copyright Office website at:

**[www.copyright.gov](http://www.copyright.gov)**

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