



## **Feature Film Public Performance Rights – Survey Results and Analysis**

### **Overview**

In the fall of 2010, BC ELN was asked to assume responsibility for the Feature Film Public Performance Rights (PPR) licenses previously coordinated by the Advanced Educational Media Acquisition Centre (AEMAC) on behalf of BC ELN partner libraries and a group of institutions from other western provinces. <<http://www.eln.bc.ca/view.php?id=1849>>

Following a first year renewal that saw a reduction in costs for all participants, a survey was released in April 2011 that investigated aspects of the existing Audio Cine Films (ACF) and Criterion licenses and explored interest in adding other production companies and studios to these licenses.

Expanding access to more content and a wider variety of formats is strongly supported by the 2011/12 to 2015/16 BC ELN Strategic Plan. <<http://www.eln.bc.ca/view.php?id=1335>>

Results from the survey will inform how BC ELN proceeds with the upcoming renewals of the existing public performance rights licenses, as well as guide discussions with potential new vendors.

### **Action Items**

Based on responses to the survey, the following four actions will be undertaken by BC ELN:

1. Explore with ACF and Criterion the cost of expanding the licenses beyond the existing educational uses on an opt in / opt out basis.
2. Contact the National Film Board to discuss whether they offer consortial licensing options and if so at what costs.
3. Share the list of desired production companies, studios, and TV stations with ACF and Criterion to learn if they can be added to existing licenses.
4. Investigate options for streaming licensing with ACF and Criterion.

The following report contains the full text of all survey questions and most responses, as well as BC ELN analysis. The survey was sent to all 37 institutions participating in the BC ELN ACF and Criterion licenses with 32 institutions responding, a response rate of 86%. Some libraries were selective in their responses.

## Survey Questions and Response Summary

- Section A identified survey respondents and their institutions.
- Section B asked whether libraries were interested in expanding the types of users and uses beyond current educational users and uses covered by the ACF and Criterion licenses. There was broad, though not unanimous support for an expansion. Of the 29 responses that were given to this question, 25 responded positively to an expanded license. The most frequently given example for potential expansion was allowing use by student or community groups to show films on campus.
- Section C asked whether libraries were able to provide feature film holdings data for determining each studio's share of the total collection. Of the responses, more than half (59%) are able to provide holdings data. Of those, at least 6 institutions are able to provide circulation and usage statistics beyond the holdings data.
- Section D dealt with the potential to expand the licenses to include other studios or production companies. A majority of respondents (66%) already have individual licenses with the National Film Board (NFB), with no clear pattern emerging regarding the individual institutional fees for access. A clear majority (84%) supported adding a PPR license for the NFB materials to existing licenses. Beyond the NFB, there was no consensus on any single studio to pursue; however, many ideas for further production companies and television stations were identified.
- Section E posed questions regarding streaming video. While 50% of the responding institutions showed strong support for a hosted streaming video service, only 34% were highly interested in loading the content on servers at their own institution. From the open ended comments, there is a consistent bandwidth concern with regards to streaming amongst many of the institutions that responded.

## Response Details

### Section A: Survey Respondents

The following individuals replied on behalf of their institutions:

AIV	Art Institute of Vancouver	Chantalle Jack, Director of Library Services
ACC	Assiniboine Community College	Susan Gatin, Manager, Library Services
BUC	Booth University College	Meagan Morash, Director
CAM	Camosun College Library	Nancy Henwood, Media and Public Services Librarian
CAP	Capilano University	Alexandra Craig, AV Video/DVD Bookings
CNC	College of New Caledonia	Katherine Plett, Library Director
DC	Douglas College	Susan Ashcroft, Collection Development Librarian
ECUAD	Emily Carr University	Larissa Beringer, Art, Design + Media Librarian
JIBC	Justice Institute of British Columbia	April Haddad, Institute Librarian
KPU	Kwantlen Polytechnic University	Sigrid Kargut, Librarian
LC	Langara College	Susan Weber, Media Librarian
LETHC	Lethbridge College	Leah Berkhoff, Intellectual Property Officer
NQC	NorQuest College Library	Joan Morrison, Supervisor - Library Instruction Unit
NIC	North Island College	Mary Anne Guenther, Coordinator of Library Services
NLC	Northern Lights College	Janet Beavers, Coordinator of Library Services
NWCC	Northwest Community College	Melanie Wilke, Librarian
OC	Okanagan College	Ross Tyner, Director of Library Services
QUC	Quest University Canada	Shauna Bryce, Senior Library Technician
RDC	Red Deer College	Lisa Wakefield, Library Assistant
RRU	Royal Roads University	William Meredith, Librarian
SC	Selkirk College	Gregg Currie, College Librarian
SFU	Simon Fraser University Library	Don Taylor, Assistant Head of Access Services
TWU	Trinity Western University	Ted Goshulak, University Librarian
UNBC	University of Northern British Columbia	Heather Empey, Acquisitions Librarian
UBC	University of British Columbia Library	David Winter, Borrower Services Librarian
UR	University of Regina	Barbara Nelke, Head, Library Technical Services and Collections
UFV	University of the Fraser Valley	Heather Comeau, Education Librarian
UVIC	University of Victoria	Bill Blair, Music and Media Librarian
UW	University of Winnipeg	Alex Homanchuk, Digital Initiatives Librarian
VCC	Vancouver Community College	Ella-Fay Zalezsak, Coordinator II, Library Technical Services
VIU	Vancouver Island University Library	Jean Blackburn, Collections Librarian/User Experience Coordinator
YC	Yukon College	Rob Sutherland, Manager - Library

## Section B: Addition of New User Groups

B. The current licenses allowed use is for educational purposes in educational venues, i.e. an instructor showing a film in the classroom. Are there additional uses or user groups that you would like to have allowed by licenses? i.e. student club doing movie night on campus, etc.

### BC ELN SUMMARY OF FEEDBACK:

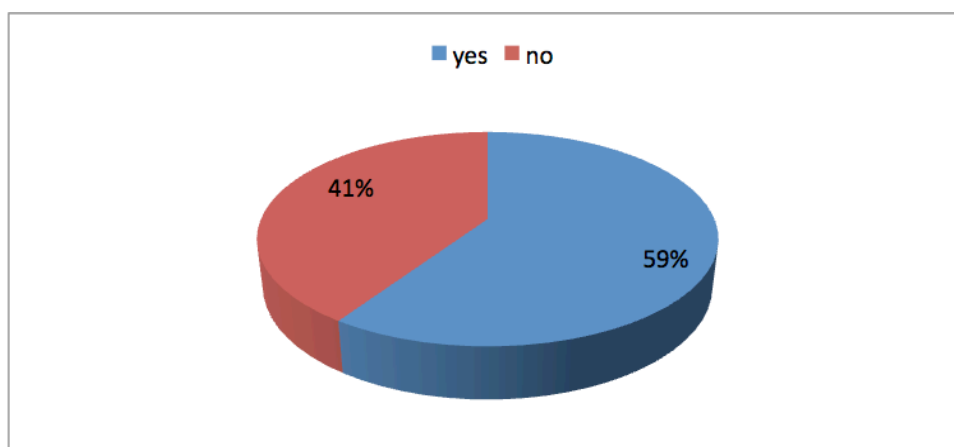
- 15 libraries support adding use rights for student groups and clubs, although several libraries are concerned that the cost increase be reasonable.
- 7 libraries mention community events where some or all of the audience are non-students.
- 4 libraries indicate the current license is sufficient.
- Several libraries mention use by other groups on campus, e.g. faculty and staff, career fair, etc.
- Use in off-campus lectures, televised lectures, and broadcast to distance learning students are each mentioned once.
- 1 library has already secured entertainment licenses with both vendors.

AIV	Student club doing movie night on campus - Movies to play in the background of campus Student and faculty social events.
BUC	Student club doing movie night on campus; instructor showing clips in an off-campus lecture or symposium (non-paying).
CAP	Student movie night on campus would be good.
CNC	Please investigate broader user options (e.g. student recreation, community, not sure how the companies define different user types).
DC	General use on campus, including student movie night, career fairs, student research days. It would be really helpful to have the viewing rights more campus friendly.
ECUAD	Yes. We have already secured Entertainment licenses with both ACF and Criterion.
JIBC	No need at this time.
KPU	Yes, rights for groups sponsored by Kwantlen faculty where members of the community are invited. For example Kwantlen hosts "green Wednesdays" events which often involves showing films on environmental issues
LC	Student clubs (e.g. Environmental groups showing titles to primarily students, but may include members of the public - all at no admission fee), College Student Associations for movie nights, end/start of semester activities.
NCL	We have had interest from our Students' Association about showing films.
NIC	Student film events; use by Elder College (which are not counted in our FTEs).
NLC	Definitely student groups doing movie nights on campus, no charge, as a social event.
NWCC	Movie night - but only if the increased cost was not too high
OC	Movie nights by student clubs; presentations by the College's Public Affairs department; on-campus movie nights that are part of a class but shown outside of class time, and to which members of the public are invited.
QUC	Charity fundraiser -Student club doing movie night on campus
RDC	If it didn't add much to the cost, then having PPR for student clubs doing movie nights on campus would be a nice additional feature.
RRU	No.

SC	Not at this time
SFU	We've received feedback from faculty that it would be nice if films could be used for user groups on campus that are comprised mostly of non-SFU people. E.g in a conference setting.
TWU	No. Our Student Services folks have separate licenses from ACF & Criterion.
UBC	If the license is renewed, we should consider expanding the user groups to student clubs or other groups on campus who may use the titles. Does the license cover use by the HR units doing training? Also, there is a question of how to handle showings where the primary attendees are faculty, staff and students but members of the public may attend.
UFV	Student movie nights open to students of institution. Festival Film nights open to public
UNBC	Include clauses in the licenses that would allow showing the titles via secure closed circuit television to meet the needs of distance learners in the regions, etc.
UR	Showing films in televised classes.
UVIC	We get asked about two or three times a year about student clubs doing a movie night. This would be a nice addition.
UW	There would be interest in seeing other, non-commercial on campus uses such as the one listed (student movie nights).
VCC	Student union doing movie night on campus ; aboriginal services doing movie night on campus ; faculty union doing movie night on campus; support staff union doing movie night on campus
VIU	Coverage of student club movie nights would be a fantastic addition to the licenses.
YC	Student movie nights.

### Section C: Feature Film Holdings Analysis

C. 1. In the past ACF and Criterion requested that a sample of libraries supply feature film holdings data so that each studio's share of the total collection could be estimated. ACF and Criterion may again request a snapshot of holdings at participating libraries. Is your library able to provide such data?



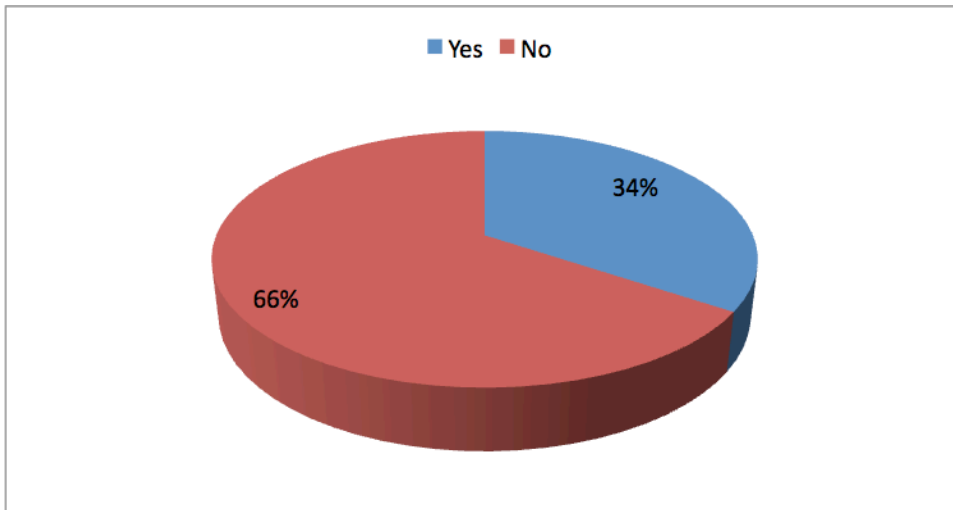
Yes:	59%	AIV, BUC, CAM, CAP, DC, EMUAD, JIBC, KPU, LC, NLC, NC, NWCC, RRU, SC, UBC, UR, UVIC, UW, VCC
No:	41%	ACC, CNC, LC, NIC, OC, QUC, RDC, SFU, TWU, UFV, UNBC, VIU, YC,

C. 2. If yes, please provide additional details about data you could supply. E.g. holdings data, media booking data, etc.

AIV	Media circulation/loans for classroom events data.
BUC	Holdings data only - we don't do media booking.
CAM	We can supply a "snapshot". It will not be complete holdings, but probably a good estimate, our most recent purchases are more clearly noted. We have not record of the booking data. We have inexact circulation times by individual title. In the past, studios have changed from ACF to Criterion and vice versa, so historic data would be very difficult.
CAP	Anything from cataloguing record, or stats from bookings.
DC	Yes, we can provide some data on our feature film holdings, circulation and booking figures, but it would be extremely time consuming to identify ACF vs Criterion titles.
ECUAD	Holdings, circulation, ILL
JIBC	We have a spreadsheet containing the titles in our Library's collection (holdings data). We can compile the number of circulations for each title as we have so few.
KPU	Holdings, media booking data, circulation data
LC	Can supply holdings, studios, format.
LETH	Because of this licence, we do not purchase feature films, but rent them via local video rental stores, library or use instructor owned copies.
NQC	We do have holdings database and usage data.
NLC	We can give holdings data with some massaging of a report.
NWCC	Holding data
RRU	Holdings
SC	Holdings data
UBC	We can provide holdings data for the Library. There are other units on campus that have feature films. It would be difficult to obtain that data. It would be work to try to obtain media booking data. Also, since we allow faculty to sign material out, many do not book the titles.
UR	Holdings data
UVIC	We can supply holdings data from our catalogue.
UW	We don't have a system in place to discern which bookings are personal use and which are classroom use (i.e. performances) but can certainly run lists to provide holdings info if required.
VCC	Holdings data and some media booking data may be possible.

**Section D: Addition of new studios and production companies**

D. 1. *Does your library currently have a PPR rights license from the National Film Board (NFB)?*



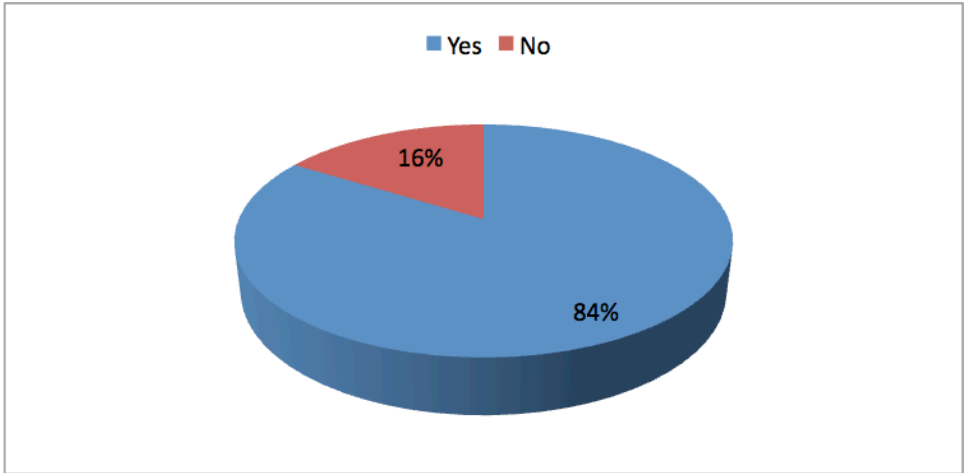
Yes:	34%	DC, ECUAD, LC, KPU, NIC, NLC, NWCC, RDC, SFU, UFV, VCC
No:	66%	AIV, ACC, BUC, CAM, CAP, CNC, JIBC, LETHC, NQC, OC, QUC, RRU, TWU, SC, UBC, UNBC, UR, UVIC, UW, VIU, YC

D. 2. *If possible, please share your current NFB fee with us:*

BC ELN ANALYSIS: Responses to this question indicate that libraries are purchasing NFB PPR through a number of different models, e.g. title by title vs. blanket license. This data will support BC ELN in discussions with the NFB.

D. 3. *Would your library support adding a PPR license for the National Film Board materials to the existing licenses with ACF and Criterion? (This assumes that we could negotiate a reduction in the current NFB pricing.)*

BC ELN ANALYSIS: Although a strong majority of libraries are interested in adding NFB, two libraries added comments in section D. 4. of the survey (see below) indicating that they are comfortable with their current title-by-title NFB rights purchasing.



Yes:	84%	AIC, CAM, CAP, CNC, DC, ECUAD, JIBC, KPU, LC, LETHC, NQC, NIC, NLC, NWCC, OC, QU, RRU, SC, TWU, UNBC, UR, UFV, UWIN, VCC, VIU, YC
No:	16%	ACC, BUC, RDC, UBC, UVIC

*D. 4. Please list any other studios and production companies that you would like to see added to the existing licenses. If you currently have a PPR license for one or more of these studios, please mark that on your list.*

BC ELN SUMMARY OF FEEDBACK: The strong theme emerging from library suggestions is “more television!” It is uncertain if PPR licenses are available from major TV networks, but this can be investigated.

Also, several production companies suggested are already covered by one of the current licenses meaning the coverage may be incomplete. Mongrel was specifically mentioned by one library as a company whose coverage may be incomplete.

The following list sorts all suggestions into alphabetical order: Alexander Street Press Filmmakers Library Online, Alliance Atlantis, AMC (2 mentions), arte video, BBC, CBC (2), Discovery Channel (2), Films for the Humanities and Sciences, First Run Features, First-Run Icarus, Fox (2), HBO, Insight Media, Kino International (2), Knowledge Network (2), Learning, McIntyre Media, McNabb Connelly, National Geographic (2), New Yorker Films, NFB, PBS (2), Seville Pictures, Women Make Movies

CAM	Discovery Channel, National Geographic, Knowledge Network, NFB, First Run Features
CAP	CBC Learning PBS (Or other television stations) Knowledge Network
CNC	Further to NFB - said 'yes' but have to admit we are fairly happy with the current process where we buy PPR title by title - wouldn't we want to go with an NFB streaming license for BC post-sec instead?
DC	A wider range of TV programs would be very helpful (AMC, more HBO, Fox, National Geographic, Discovery, etc) but it may be tricky to negotiate. We do not currently have any agreements of this kind.

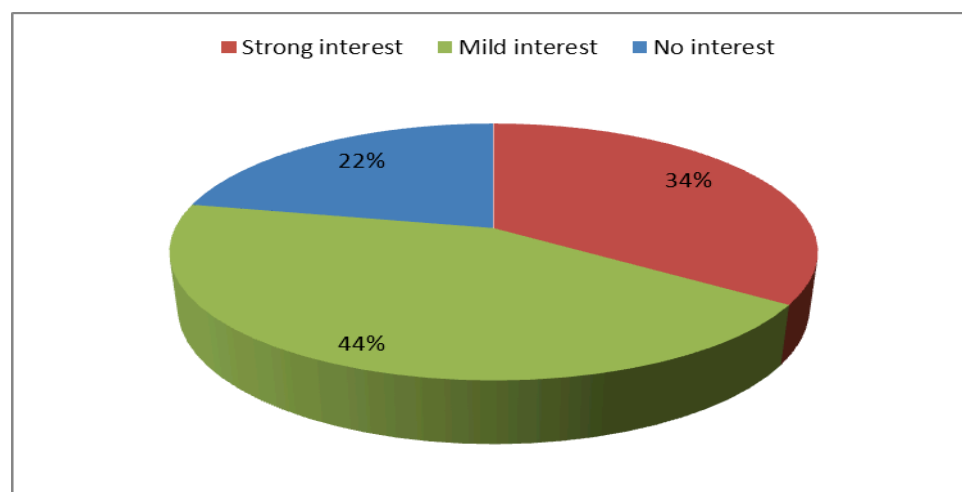


ECUAD	arte video, BBC, First-Run Icarus, New Yorker Films, Insight Media, McNabb Connelly, Seville Pictures, Alliance Atlantis, Kino International, Women Make Movies, Films for the Humanities and Sciences,
KPU	Add a license for "Alexander Street Press Filmmakers Library Online"
LETHC	McIntyre Media
NQC	Any television production companies.
QU	Criterion, Kino (or are these just distributors?)
RRU	I don't take Mongrel's inclusion under the license for granted. Please make sure their films continue to be covered.
UBC	I would see the NFB license as a separate negotiation. Our license worked out to be around \$1 per title.
UFV	Coverage of television shows television shows: CBC PBS Fox AMC

## Section E. Streaming

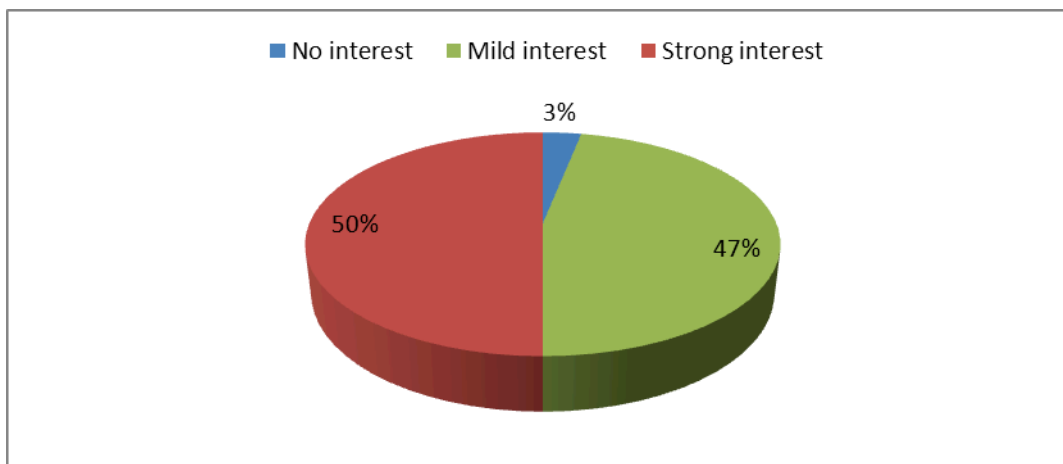
“Streaming” refers to media content hosted on a server and broadcast electronically to the classroom, rather than the instructor putting a DVD in a player. Streaming requires a special license from the content owner; it is not currently included in our PPR licenses.

*E.1. Is your library interested in a “PPR and streaming” license for feature films where the content is loaded by you on a server at your institution?*



Strong Interest	34%	AIC, CAP, LC, LETHC, NQC, NLC, SFU, UNBC, UBC, UFV, VCC
Mild Interest	44%	ACC, BUC, CNC, ECUAD, JIBC, NIC, OC, RRU, SC, UR, UVIC, UW, VIU, YC
No Interest	22%	CAM, DC, KPU, NWCC, QU, RDC, TWU

E. 2. Is your library interested in a “PPR and streaming” license for feature films where the content is on a third party server such as a commercial hosting service?



Strong Interest	50%	AIC, CAP, CNC, ECUAD, KPU, LETHC, NQC, OC, SFU, UNBC, UBC, UR, UFV, VCC, VIU, YC
Mild Interest	47%	ACC, CAM, DC, JIBC, LC, NIC, NLC, NWCC, QU, RDC, RRU, SC, TWU, UVIC, UW
No Interest	3%	BUC

BC ELN ANALYSIS: The comparison between the self-hosting (E.1.) and third-party hosting (E.2.) responses indicates that more libraries would prefer a third-party hosting option.

F. Please provide any additional feedback you have on the licenses, including comments about the renewal and invoicing process, locating information on the licenses, etc.

BC ELN RESPONSES: Several of the survey responses included questions, and where possible answers or comments have been inserted. For all feedback, the general response is: thank-you for the feedback (and the kudos!), and we will do our best to grow the licenses in ways that take your concerns and suggestions into account.

CAM	Thanks very much for doing this for us.
	I would like a clear concise description of what films are covered by the licenses, for example are films that are not listed in the databases (but were in the past) still covered?  <b>ANSWER:</b> Unfortunately a concise list does not seem to be possible because the data is constantly shifting: new titles appear, studios move from one license to the other, etc. Each vendor's website has a search engine for locating specific titles, and checking titles this way is the only option. If a title has disappeared from one vendor, first check the other vendor's site to see if the studio was transferred to the other license.
CAP	
CNC	I understand BC campus will be setting up a streaming video service and can see that being the 'server' for our PPR licensed titles

	<b>ANSWER:</b> We are aware of BCcampus' initiative in this area, and we'll keep an eye on it as it develops. It might serve as the third-party hosting site mentioned in E. 2. above.
KPU	Thank you for providing this opportunity to give feed-back and for negotiating the PPR licenses for BC's post-secondary institutions.
LC	Feature Films will not be available, streamed, via an umbrella licensing scheme. Other than services like Netflix, which don't allow classroom use, each major studio is renting streamed features from their own sites. Warner, for ex. has a rental and streaming download site. Others are following suit. I don't think they will ever allow classroom use from this type of site.
LETHC	I would like to see a continuation of the current practice of providing full information on the licences, etc., to the institutional contact for this licencing arrangement as per past practice. I would encourage the continuation of low fees and easy to use/administer licensing structures. Also is it possible to enter into partnership arrangements for the same licensing with other provincial organizations (e.g. TAL in Alberta) so that a broader range of organizations/provinces can be included eliminating duplicate effort and costs?  <b>ANSWER:</b> BC ELN has communicated with its peer organizations in other provinces re PPR licensing. Unfortunately at this time both vendors are opposed to allowing expansion of the BC license.
NQC	We currently contact streaming from IRIS
NLC	I'm not sure if a "feature film" license would cover things like Medcom nursing videos, etc. but I would like to see ELN have a role in getting materials we used to get though AEMAC.
OC	Okanagan College recently negotiated entertainment licenses with Audio Cine and Criterion. The cost is shared among a number of departments and the licenses are administered by the Library. If ELN were able to add some entertainment rights to our education licenses this could save us time and money.
RDC	On the lists for films covered under the license, if a studio is a parent company it would be good to know what its subsidiaries are. In terms of a possible "PPR and streaming" license, our interest would depend on whether or not the streaming videos would be available to purchase in perpetuity vs. the 3 year purchase period that many streaming videos adhere to.
SC	As with other rural colleges around the province, our ability to move to streaming is limited by both lack of bandwidth (external hosting) and lack of IT resources (internal hosting). If one or both of those could be solved, we would be in the 'strong interest' category for streaming.
SFU	Feedback from faculty has been that it would be nice if the Feature Film License included the ability to copy clips from a film to dvd for use in the classroom. A number of courses only want to show clips of a film, but they want to show 4 or 5 clips during the class. Being able to put all those clips onto a dvd would make life much easier rather than having to cue up 5 separate dvds.
TWU	Thanks for stepping up and taking on licensing these resources for us!

UBC	Based on our license, I would see the negotiations with the NFB as a separate discussion, aimed perhaps at a little rationalization on the definition of institutions (if they are still pricing that way). If we move to FTE as we do for the feature film license, will we open a pricing format that we do not want.
UFV	In terms of streaming, we have faculty interest but not the technology in place nor institutional support to invest in either solution right now.
UVIC	I answered No for the NFB question because right now we buy NFB films with rights so we don't need a license. Would this license cover the online streamed content. If this is the case I would be interested in a negotiated license with the NFB.
UWIN	Streaming is virtually impossible here as our campus IT does a fair amount of traffic-shaping on video content. We just don't have the bandwidth to support hosted streaming.
VCC	Streaming be externally hosted and available with both low and high resolution options