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## **SOME LONG-TERM CARE FACILITIES EXEMPT FROM MOVIE LICENSING FEES UNDER AGREEMENT**

The Motion Picture License Corporation (MPLC) has reached an agreement with long-term care advocacy groups to exempt certain facilities from licensing fees when showing movies for residents.

Under the United States Copyright Act, a "public performance" of copyrighted materials, including movies, traditionally requires a separate license. The MPLC has reached an agreement with the American Health Care Association, the National Center for Assisted Living, and LeadingAge to exempt nursing homes and assisted living facilities from having to worry about paying license fees for movie night.

While nursing homes and assisted living facilities are exempt from the license fee, communities with independent living units, apartments, or other similar living quarters are still required to obtain a license. Additionally, any facility with a closed-circuit television system, such as an "in-house" channel, is not exempt under this agreement. For these facilities, the cost of a license is dependent upon the number of independent apartment units in the community. This includes facilities that have moved to a continuum of care model, with independent living units and assisted living or nursing facilities at the same location.

The MPLC, under the direction of Congress, had an agreement in place with the long-term care industry in the early 1990's to exempt facilities from license requirements; however, that agreement expired in 2000. There have been few instances of license enforcement since 2000 based on the pattern of practice within the industry, but the license requirement remained. The current agreement should provide some guidance and relief for facilities concerned with copyright infringement.

Should you have questions, please contact Todd Selby at 317.977.1440 or [tsselby@hallrender.com](mailto:tsselby@hallrender.com), Brian Jent at 317.977.1402 or [bjent@hallrender.com](mailto:bjent@hallrender.com), David Bufford at 502.568.9368 or [dbufford@hallrender.com](mailto:dbufford@hallrender.com), or your regular Hall Render attorney.