ACM STUDENT CREATIVE WORKS COPYRIGHT POLICY

Frequently Asked Questions

1. What is copyright?
Copyright is a form of legal protection automatically provided to the authors of “original works of authorship,” including literary, dramatic, musical, and artistic works. U.S. copyright law generally gives the author/creator or owner of an original creative work an exclusive right to:

- Reproduce (copy) or distribute the original work to the public (e.g., create and sell copies of a film)
- Create new works based upon the original work (e.g., make a movie based on a book)
- Perform or display the work publicly (e.g., screen at festivals, broadcast on TV, post online.)

2. Who is an author?

- The U.S. copyright office says, under copyright law, the creator of the original expression in a work is its author. The author is the owner of the copyright.
- There can be multiple authors as co-copyright owners.
- Most often at ACM, the writer/director is the copyright owner.
- In the industry, copyright ownership may reside with the producer, employer, or commissioning party.

3. Under the new ACM copyright policy, do I own the rights of my creative works (e.g., short films)?
Yes. Student filmmaker(s) will be the sole and exclusive owner(s) of all copyright rights of student-produced work. To be certain you have the copyright for your film, you will need to register your film (see question 6 below.)

4. When does the new ACM copyright policy take effect?
Spring semester, 2014.

5. Does the new ACM copyright policy apply to my creative projects produced and completed prior to January 2014?
No. The new copyright policy only applies to your ACM projects completed after January 2014.

6. What does it mean that ACM has a license of my copyrighted work? Is ACM allowed to use my creative works?
You have given ACM and the University of Hawaii the right to use your film for exhibition, promotional and/or educational use. For your information, please review your student works
7. What are the students' responsibilities under the new policy?
Students are responsible for obtaining all rights. The student must have actor, music and all other pertinent releases. The student is liable for any legal issues resulting from the production and distribution of the film.

8. Now that I own the rights to my short films, can I work with members of SAG-AFTRA (Screen Actors Guild-American Federation of Television and Radio Artists)?
Yes, ACM students may work with SAG-AFTRA members. Please reference the Student Film Agreement (SFA) at the SAG-AFTRA website at www.sagaftra.org Under Quick Links on the home page, click on Production Center which will take you to a site with all of the SAG-AFTRA Agreements. Click on Agreements and scroll to the SFA and Producers Guide to Student Films.

9. Do I need to provide Workers Compensation to SAG-AFTRA actors?
When doing a SAG-AFTRA agreement, it's not contractual, but an expected industry standard to have workers comp to protect an actor in the case of accidents, etc.

10. How long will it take to work out a Student Film Agreement (SFA) with SAG-AFTRA?
The length of three weeks minimum prior to the first shoot date is required in order to work with SAG-AFTRA to obtain an SFA. Please contact Brenda Ching, Executive Director at SAG-AFTRA Hawaii by email: brenda.ching@sagaftra.org.

11. What is a “work for hire” document, and why do I need to use it?
“Work for hire” is a legal concept relating to copyrights. It was originally created to deal with materials created by employees (hence the “for hire”) but has been expanded to cover other situations as well. So it doesn’t really have anything to do with whether you’re getting paid or not. For example, a motion picture feature may hire dozens of creators of copyrightable works (e.g. music scores, scripts, sets, sound effects), any one of which could limit use of the entire film by denying permission to copy their contribution; the producers avoid this scenario by requiring that all contributions by non-employees fulfill the work-for-hire requirements.

12. Who should sign a “work for hire” agreement?
All participating crew members in any phase of the production, including non-students, should sign. Form Found at:
https://docs.google.com/a/hawaii.edu/document/d/1E0aKlZFpFl5EySfkRGwsxpQrkHMMd zoningOSpQ_kVXIQc/edit?usp=sharing

13. Why should I register my creative works with the U.S. Copyright Office?
From the U.S. Copyright Office website: Registration is recommended for a number of reasons. Many choose to register their works because they wish to have the facts of their copyright on the public record and have a certificate of registration. Registered works may be eligible for statutory damages and attorney's fees in successful litigation. Finally, if registration occurs within 5 years of publication, it is considered *prima facie* (at first sight) evidence in a court of law.

14. How do I register the copyright for my creative works?
You may register the copyright for your film with the U.S. Copyright Office at [http://www.copyright.gov](http://www.copyright.gov), using Form PA ([http://www.copyright.gov/forms/formpa.pdf](http://www.copyright.gov/forms/formpa.pdf)). There is a fee of $65. You may also register online for a lower filing fee of $35. See [http://www.copyright.gov/eco](http://www.copyright.gov/eco) for additional guidelines.

15. Do I need to turn in any paperwork for clearances to ACM?
Yes, you do need to turn in the Student Project Completion form to the ACM Media Center. [http://www.hawaii.edu/acm/studres/release_forms/acm_project_completion_form.pdf](http://www.hawaii.edu/acm/studres/release_forms/acm_project_completion_form.pdf)