

# The Motion Picture Association of America, Inc. (MPAA)

The Motion Picture Association of America, Inc. (MPAA) serves as the voice and advocate of the American motion picture, home video and television industries from its offices in Los Angeles and Washington, D.C. Its members include: Walt Disney Studios Motion Pictures; Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Twentieth Century Fox Film Corporation; Universal City Studios LLLP; and Warner Bros. Entertainment Inc.

Today, U.S. films are shown in more than 150 countries worldwide and American television programs are broadcast in over 125 international markets. Movie lovers around the globe especially enjoy being able to watch these films in the comfort of their own homes on DVD, video or VCD. And now, regardless of the format, consumers are embracing the Internet as a new way to buy, sell or trade these products. Retailers have responded to this new trend, and there are now an overwhelming number of legitimate Internet sites where consumers can quickly and easily purchase their favorite films for home viewing and entertainment.

## **SO WHAT'S THE PROBLEM?**

Unfortunately, the Internet has also provided an opportunity for unscrupulous Internet users to illegally sell, trade, or otherwise distribute copies of these films. In this case, it is difficult, sometimes even impossible, for the consumer to know whether the item being sold, traded, or distributed is legitimate, fake or not meant for public sale or resale.

## **WHY WOULD FILM PRODUCTS SOLD, TRADED, OR DISTRIBUTED OVER THE INTERNET BE ILLEGAL?**

The motion picture industry releases its products, including videos, DVD's and VCD's, for sale or rental in a variety of ways, including local video stores and on-line video retailers. But, regardless of distribution methods, these products are all protected under copyright, which means they cannot be duplicated without the permission of the copyright holder. It also means that unless it is a legitimate and authorized version, it cannot be sold, leased, or distributed without the copyright holder's permission--in this case, the movie studios. And even sometimes with a legitimate or authorized version, such as in the case of screeners or promotional discs, the copy cannot be sold, leased, or distributed without the copyright holder's permission.

## **THE MPAA, EBAY AND YOU**

Therefore, the MPAA is teaming with eBay's "Buddy Program," in an effort to educate consumers about what to watch for when purchasing products on eBay. In addition, we want to provide guidance to Internet users regarding what activities are legal or illegal, with respect to the selling or trading of motion picture industry products.

## **HOW TO SPOT A PROBLEM**

**Theatrical Titles:** If a film title is posted for sale or trade and is not yet available in your local video store, or is still playing in the movie theater, you can assume it is an illegal copy. (However, if an older movie gets a new run in the theaters, there may be legitimate copies available.) Buyer beware: these copies may be of dubious quality, sometimes even unwatchable.

**Screeners/Promos:** A "screener" is a promotional preview DVD of a film provided by a film company, or its distributor, to home video store owners prior to its general release date. Selling, trading or distributing these "screeners" may leave you subject to a copyright violation charge.

**Academy Screeners:** An Academy Screener is a DVD of a film nominated for an Academy Award sent to voting members of the Academy only for the purposes of allowing members to view the movie in order to cast their vote. They are not intended for distribution to others. It is illegal to distribute these DVDs, as they remain the property of the studio that released the film.

**Bootlegs:** A film may appear to be legitimate when a buyer orders it but may look suspicious when it arrives. For example, the movie may be found on a CD-RW or burned disc, or the quality of the film may be bad. Copies like these are bootlegs and are illegal. Someone who advertises legitimate product and delivers pirate product is cheating you, the buyer.

### **THE BOTTOM LINE**

The people who are using eBay to sell, trade or lease any of these discs described above may be guilty of copyright infringement. The illegal distribution, sale, rental and/or offering for sale or rental of unauthorized and infringing counterfeit DVDs is punishable criminally under both federal and state law. For instance, section 506(a) of Title 17 of the United States Code, among other statutes, may subject you to substantial monetary fines and imprisonment up to 10 years. In addition, such activity may constitute civil copyright infringement under the federal Copyright Act, Title 17 United States Code § 106(3), potentially subjecting you to civil penalties of up to \$150,000 per work. If you believe you've been cheated and bought a pirate product, please alert eBay and the MPAA so that innocent buyers are not unfairly cheated by unscrupulous pirates.

### **QUESTIONS?**

If you have any questions regarding the selling, trading or leasing of motion picture industry products, please contact us, we're here to help!

Anti-piracy hotline (toll-free): 1-800-NO-COPYS E-mail: [hotline@mpaa.org](mailto:hotline@mpaa.org)