

AUSTRALIAN COUNCIL OF FILM SOCIETIES

Borrowing from the NTLC

The following document was updated in July 2009 by the Australian Council of Film Societies (ACOFS) and agreed by the National Film and Sound Archive (NFSA) in Canberra, who now manage the Non-Theatrical Loans Catalogue (NTLC). Previously it was known as the National Film and Video Lending Service (NFVLS) and managed by ACMI in Melbourne, and before them the National Library in Canberra.

BORROWING BY FILM SOCIETIES FROM THE NTLC Non-Theatrical Loans Catalogue

- The NFSA makes film prints, DVDs and VHS videos available for both theatrical and non-theatrical loans. Titles available for non-theatrical loans are shown in the Non-Theatrical Loans Catalogue which contains short films, feature films, videos and DVDs from many countries that are of great interest to and valued by film societies.
- The Non-Theatrical Loans Catalogue (NTLC) is separate from the primary NFSA catalogue which is accessed through 'Search the Collection'. Films in this catalogue (non-NTLC items) are available for loan on 35mm and 16mm formats but are not pre-licensed for screenings, so a copyright clearance needs to be obtained for any screening of these titles. These films may be accessed by film societies subject to meeting further registration, venue / projection and loan requirements.
- Loans of most items from the NTLC catalogue include the right to screen in a non-theatrical situation. NFSA will loan NTLC titles to approved film societies, educational institutions, cultural organisations, community groups, businesses and government departments that wish to screen films and videos for non-commercial purposes.
- When acquiring 16mm prints or DVDs the NFSA negotiates with distributors to acquire non-theatrical rights for those films, making it possible to lend them to film societies who screen to members only. This means that film societies do not need to clear copyright for their normal screenings to members.
- There are some items in the NTLC which are not licensed, and so are only available to film societies when permission is received from that film's copyright owner. These are listed as "Educational / On-site use only" in each title's catalogue entry. Educational institutions may borrow them for curriculum use without further permissions being required, or anyone may view these titles onsite at NFSA offices or Access Centres. (These exemptions are allowed under provisions in the Copyright Act - see note at the end of this information sheet).
- Registration to borrow from the NFSA is free but there is a small checking and handling fee for each item borrowed. The NFSA fee includes outward freight, with film societies responsible for organising and paying return freight.

The following are implications of the titles from the NFSA's Non-Theatrical Catalogue being available for film society non-commercial use:

1. The borrower (the film society) must agree to the conditions outlined by the NFSA in accordance with the conditions of use currently in force on the NFSA website.
2. To register to borrow from the NFSA a film society needs to complete a *Client Registration Form* and satisfy registration requirements.
3. When screening 16mm films, film societies are also required to advise NFSA of their equipment and projectionist experience.

4. Film societies are encouraged to become members of the relevant Federation of Film Societies. Where advised, membership with their State Federation will be noted on registration with the NFSA.
5. The conditions of membership of a film society should be defined in the society's constitution. A film society should offer an annual membership, or alternately a half-year or three-month membership.
6. A film society must keep a register of its members. It is also recommended that names and addresses of guests be retained.
7. No charge may be made for admission to any screening at which an NFSA film or DVD, loaned under a non-theatrical licence, is screened. This extends to any charge that could be construed as a charge for admission such as a donation or a compulsory charge for supper.
8. Any non-member should not be admitted more than three times in any year. It is in the society's interest that non-members be invited to become financial members of the society at the earliest opportunity. A film society may choose not to admit any non-members or to limit visits to fewer than three times.
9. Any publicity for a film society, where NFSA films are screened, should promote the program as a whole, rather than individual titles, and emphasise that admission to screenings is "by membership" and invite people to join the society. To encourage new members you can also use the phrase "new members and guests welcome".
10. In any advertising, screening notes or printed matter connected with the showing of films from the NFSA, due acknowledgment should be given to the NFSA as the source of each film or video. The NFSA logo should also be displayed (contact them for details).
11. Film societies are required to comply with the legal requirements of classification regarding film and video ratings; e.g. the R18+ rating is legally restricted to adults 18 years and over.
12. If a film society wishes to hold a special public screening, e.g. a special film weekend (possibly away from its usual venue) or any other screening that is not part of its regular program, the film society should check whether a clearance is needed from the rights holder of the films. In the case of films from the NFSA always contact the NFSA as early as possible so that any necessary clearances may be obtained before the program is announced publicly.
13. Films, DVDs or videos may not be videotaped or otherwise copied, in whole or in part, as this is a breach of copyright – unless permission of the copyright owner is obtained.
14. Borrowers may not re-lend films, DVDs or videos to other persons or organisations.
15. If films, DVDs or videos are damaged or lost in transit to the NFSA, borrowers may be held responsible for part or all costs of repair or replacement, as determined by the NFSA. NOTE: Any film society with current membership of a State Federation of Film Societies is automatically covered by insurance against loss of or damage to a film or DVD. In the interests of other borrowers, any damage must be reported promptly to the NFSA and their State Federation.
16. This statement has been prepared jointly by the Australian Council of Film Societies and the NFSA.

This statement was last revised in July 2009.

NOTE: Titles held in the Non-Theatrical Loans Catalogue that are restricted to “Educational/On-site use only” are not licensed by the NFSA for public screenings. The ‘Educational’ use of otherwise unlicensed titles is allowed through exemptions in the Copyright Act (s10 & s28) which provide for defined Educational Institutions to use material for curriculum use. Another Copyright Act exemption allows for Archives (including the NFSA) to provide access ‘on-site’ without further clearance.

It should be noted that many titles in the NTLC are licensed by rights holders to NFSA for a defined period. While NFSA endeavours to renew licences as they expire, on occasion licenses lapse and are not renewed. This may be for a variety of reasons, including: the distributor’s own licence lapsing and not being renewed, a rights holder going out of business; film rights reverting to producers or companies that cannot be located or identified; rights holders charging excessive renewal licence fees; and, film prints being of low quality and withdrawn from loan.

At the same time, rights holders for unlicensed titles are occasionally located and, where agreement is reached, these titles are then made available once more.

The NFSA is currently aiming to further develop the collection, by selecting and acquiring new titles and licensing some of the previously unlicensed titles in the Non-Theatrical Loans Catalogue as circumstances and funding allows. NFSA will manage the NTLC in accordance with the NFSA’s curatorial policy. The policy is available on the NFSA website. The Senior Curator of Moving Image has invited input from film societies as to titles that members would be keen to borrow if they were to be licensed.

Does your film society know of any 16mm or DVDs either in the NFSA National Catalogue, or as a new acquisition, which you would borrow if they were licensed for non-theatrical screenings?

Does your film society know of any DVD not available commercially in Australia or with no Australian rights owner, which you would borrow if added to the NTLC with rights included?

Please send your list of titles to johnturner10@bigpond.com and he will follow up with the NFSA. Otherwise please send John individual titles as you come across them.

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