

PLYMOUTH AREA COMMUNITY ACCESS TELEVISION, INC.

ACCESS CHANNEL PROGRAMMER DISCLOSURE

In support of its mission, and in accordance with federal and state regulations, PACTV provides an opportunity for qualified individuals to submit live and videotaped programs for play on its cable access channel as an expression of speech protected under the First Amendment of the United States Constitution. However, as with any speaker in a public forum, you have certain responsibilities when it comes to the content of your speech. That is, if it is illegal for you to say or do certain things in public, then it is also illegal to say or do those same things over Channel 3. And, because PACTV does not pre-view your work, the responsibility falls completely on you to police yourself--you can't hide behind us, pretending that we have endorsed you or have made a decision to allow your program to play.

Here are some major things you may not do:

1. **COPYRIGHT.** You may not take other people's creations and use them unless (a) you have obtained their **permission**; or, (b) you've paid a license fee for their use on a cable access channel; or, (c) the work is public domain (out of copyright).

MUSIC: If certain conditions are met, most music may be used in a tape shown on PACTV. The conditions are: (a) the music cannot be from a stage play and used in conjunction with a videotaped stage play performance; (b) the music must be licensed by ASCAP or BMI--agencies to which fees have been paid by Adelphia Cable; (c) the music cannot be used repeatedly as a theme song to a series of programs; (d) the videotape that the music is on cannot be duplicated for commercial distribution; and, (e) as per conditions cited under the "ephemeral use" section of federal copyright law, the videotape must be either destroyed after six months or be permanently archived.

VISUAL WORKS: Most commercially-available books, magazines, newspapers, movies, television programs, plays, etc. are covered by copyright. These may not be included in your videotape, again unless you have obtained permission, paid a license fee, or they are in the public domain. Excerpts and minor use probably could be acceptable, but you must deal with this kind of use on a case-by-case basis.

2. **LIBEL & SLANDER.** Defamation to a person's or company's reputation either in writing (libel) or spoken (slander) could be determined grounds for a successful lawsuit. A general distinction can be made between someone else's words that you simply videotaped speaking in a public place, and your own words or commentary added to the video.

3. **FIGHTING WORDS.** You **may** not make a call to action that would put people's lives or property in jeopardy. The common example is yelling "fire" in a crowded theater; however, parallels to this in public access are very rare.

4. **OBSCENITY.** Under the First Amendment, indecency is protected speech, but obscene speech is not. Obscene material is not allowed on PACTV. Generally, obscenity is the portrayal of sexual or excretory organs or functions in a patently offensive manner running counter to locally accepted standards and without any socially redeeming value. Swear words and nudity, while possibly offensive to some, have not generally been ruled obscene, in and of themselves, in higher courts of law.

If you suspect you may have a problem with content in this regard, we recommend you read our Operating Rules & Procedures, "Program Content Rules, Section 1." We request that you not ask PACTV staff or Directors to view the tape for the purpose of providing you with legal advice.

5. **SUMMARY:** We strongly recommend that you consult with a lawyer of your own choosing if you think that your video might in any way involve copyright issues, libel, slander, fighting words or obscenity. PACTV is not in any way responsible for the content of your video. In submitting your video to PACTV, you are agreeing to indemnify and hold harmless PACTV from any liability or responsibility for your video.

THEREFORE: I understand and agree, in accordance with PACTV Rules & Procedures, that by requesting this program to be cablecast, I am an Access Channel Producer or Sponsor, living or working in the towns of Plymouth or Kingston, and therefore I am fully responsible for content of the program when cablecast, whether or not I actually produced the program myself. I am (or the member organization I represent is) fully liable for all claims arising from unauthorized use of copyrighted material or from any other

charges of improper or unlawful conduct, and I will hold harmless the Plymouth Area Community Access Television, Inc. (PACTV), its Directors, Officers and staff from any such claims.

PRINTED NAME: _____

PRINTED HOME ADDRESS: _____ **Organization:** _____

PRINTED HOME Town/State/Zip: _____ **Org. Address:** _____

HOME TELEPHONE: _____ **Org. Tel:** _____

SPONSOR OR PRODUCER: _____

(signature)

(date)

PACTV STAFF WITNESS: _____

(signature)

(date)