

IC 24-1-5

Chapter 5. Motion Picture Fair Competition

IC 24-1-5-1

Definitions

Sec. 1. As used in this chapter:

"Person" includes one (1) or more individuals, partnerships, limited liability companies, associations, societies, trusts, organizations, or corporations.

"Theater" means an establishment in which motion pictures are exhibited to the public regularly for a charge.

"Distributor" means a person engaged in the business of distributing or supplying motion pictures to exhibitors by rental, sale or licensing.

"Exhibitor" means a person engaged in the business of operating one (1) or more theaters.

"Exhibit" or "exhibition" means showing a motion picture to the public for a charge.

"Invitation to bid" or "invite bids" means a written or oral solicitation by a distributor to one (1) or more exhibitors to bid for the right to exhibit a motion picture.

"Bid" means a written offer or proposal by an exhibitor to a distributor in response to an invitation to bid for the right to exhibit a motion picture.

"Trade screening" means the showing of a motion picture by a distributor at some location within the state which is open to any exhibitor from whom the distributor intends to invite bids or with whom the distributor intends to negotiate for the right to exhibit the motion picture.

"Blind selling" means the bidding or negotiating for, or the offering or agreeing to terms for, the licensing or exhibition of a motion picture before the motion picture has either been trade screened within the state or before such motion picture has been made available for viewing within the state by all exhibitors from whom the distributor is inviting bids or with whom the distributor is negotiating for the right to exhibit the motion picture.

"Run" means the continuous exhibition of a motion picture in a defined geographic area for a specified period of time. A "first run" is the first exhibition of a picture in the designated area; a "second run" is the second exhibition; and "subsequent runs" are subsequent exhibitions after a second run.

"Exclusive run" means a run limited to a single theater in a defined geographic area.

As added by Acts 1980, P.L.161, SEC.1. Amended by P.L.8-1993, SEC.337.

IC 24-1-5-2

Blind selling prohibited

Sec. 2. Blind selling is unlawful in this state and an agreement which attempts to waive this prohibition is void.

As added by Acts 1980, P.L.161, SEC.1.

IC 24-1-5-3

Notice of trade screening to exhibitors

Sec. 3. A distributor must provide reasonable and uniform notice of a trade screening of a motion picture to those exhibitors within the state from whom he intends to invite bids or with whom he intends to negotiate for the right to exhibit that motion picture.

As added by Acts 1980, P.L.161, SEC.1.

IC 24-1-5-4

Invitation to bids; requisites

Sec. 4. If bids are invited from exhibitors for the licensing of a motion picture, the invitation to bid shall specify:

- (1) whether the run for which the bid is invited is a first, second, or subsequent run;
- (2) whether the run is an exclusive or nonexclusive run;
- (3) the geographic area for the run;
- (4) the date and hour the invitation to bid expires; and
- (5) the time and date when, and the location of the office serving the territory where, the bids will be opened.

As added by Acts 1980, P.L.161, SEC.1.

IC 24-1-5-5

Submitting and opening bids

Sec. 5. All bids must be submitted in writing and shall be opened at the designated time in the presence of those exhibitors, or their agents, who are present for the bid opening. The opened bids are subject to examination by the exhibitors or their agents.

As added by Acts 1980, P.L.161, SEC.1.

IC 24-1-5-6

Notice to bidders

Sec. 6. Within ten (10) business days of the bid opening, the distributor shall give notice of the name of the winning bidder or the fact that none of the bids were accepted to each exhibitor submitting a bid.

As added by Acts 1980, P.L.161, SEC.1.

IC 24-1-5-7

Violations; civil remedies; attorney's fees

Sec. 7. In a successful civil action against a person for violating this chapter, the court shall award the plaintiff damages and reasonable attorney fees. The provisions of this chapter may be enforced by injunction or other equitable remedy.

As added by Acts 1980, P.L.161, SEC.1.