REPORT

RISE-project

Workshop: About streaming of performances

Zurich, 25 November 2016

Introduction

In the digital age, all live performance organisations have to deal with the online environment, be it in the context of their own website, (live) streaming, social media or archive material.

This time, our workshop in the context of the RISE-project[1] focused on the streaming of performances. In the first part, we presented a short analysis of our mini-survey on live streaming which was carried out amongst Pearle members in the last 6 months. It gives a first overview of challenges and opportunities of streaming in the performing arts sector.

We then gave the floor to four experts to learn more about legal issues related to streaming, contractual solutions and collective agreements, new business models and technological challenges. Two practical cases – from the pop and the classic sector – provided an insight how streaming services can be set up in a successful way.

In the second part of the workshop members and participants split in smaller groups to follow one of the "facilitated conversations" which were each chaired by our four experts and touched on specific issues related to streaming:

- How to deal with copyright legislation when streaming? Examples of collaboration with collecting societies, record labels and music publishers.
- What do I have to put in contracts with artists to allow (live) streaming? Is a collective agreement of help?
- What kind of business models to ensure a sound financial basis for the streaming portal? How can we get prepared to such business models? How to connect best to your audiences?
- Which new technologies and tools will influence live streaming in the coming years? How to ensure the investment for streaming?

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[1] The RISE-project is initiated and managed by the European Festivals Association. It is funded under the 'Creative Europe' programme. Pearle is a partner in the project, responsible for one of the activities aiming to undertake capacity building activities which supports cross-border cultural cooperation.

First part

<u>Mini-survey on online streaming</u>

In 2016, the Pearle office carried out a survey on online streaming amongst its members. With contributions from 16 countries the survey gives a good overview of streaming activities in the live performance sector in Europe.

A few associations reported about the absence of online streaming carried out by the sector of live performance in their country, the majority of respondents have members which already offer streaming services. A closer look revealed that most organisations use or their own website or rely on external websites such as from cities, other media or performing arts companies.

The next question on whether streaming services are discussed in the respective countries coincided with the first question, as in most of the countries in which online streaming in the live performance sector has been set up, there is also a discussion about it.

We then asked members what the biggest challenge was or would be to go online with a performance. A majority named "copyright issues" as the biggest challenge (contracts, clearance process, work with publishers, neighbouring rights, contracts with other media such as broadcasters.) Employers' issues such as the negotiation of collective agreements and fees that have to be paid were high on the agenda as well.

For the time being, agreements in the performing arts sector on copyrights and neighbouring rights with publishers or collective societies only exist in a few countries. Some are in the pipeline; however most of the organisations have to agree on each performance again – a fact that makes the daily work on live streaming more difficult.

Other obstacles named by members were economic issues (production costs, investment, business model) and the technical set up of the streaming (distribution and support system, quality of capture, equipment).

Despite of these challenges, most of the respondents see opportunities in live streaming (key words: audience development, innovation, promotion). Some members have a negative view on streaming activities, mainly referring to the expenses and the missing "live spirit".

The presentation of the survey results is available in the [dropbox](#).

Experts' presentations on challenges and opportunities of live streaming

1. Copyright issues – Peter Marx
2. Employers' issues – Rolf Bolwin
3. Live streaming of the Wiener Staatsoper – Christopher Widauer
4. Live and on demand streaming of the concert hall Ancien Belgique (ABTV) – Dirk de Clippeleir

1. Copyright issues

Peter Marx presented different types of streaming activities and a comprehensive "checklist" of all kinds of copyrights and related rights that live performance organisations have to take into account in the clearance process before going online with a performance. In total, up to 20 different groups of right holders have to be contacted to clear a high number of copyrights and related rights for one performance. Peter Marx also taught participants about 20 aspects they have to agree upon of when negotiating on the use of rights with right holders, such as the time window for the performance, the kind of streaming, the territory and which platforms can be used for the dissemination, the remuneration and digital archive rights.

2. Employers' issues

Rolf Bolwin gave an insight into the ongoing negotiations between employers and unions on a collective agreement on online streaming in Germany. This collective agreement would allow members of the Deutscher Bühnenverein, the German Theatre and Orchestra association to create uniform rules for organisations and artists in the German live performance sector.

3. The Wiener Staatsoper livestreaming

The website of the Wiener Staatsoper offers live streaming which lasts for 72 hours after the performance. The software of the site was developed with private partners. The idea is to "extent" the Wiener Staatsoper to bring opera to the private living rooms of people. Everybody should have access to see an opera, those who simply can't attend the performance and those who couldn't pay for it.

On the website of the Wiener Staatsoper dedicated to live streaming users can choose between different subscription models and "abonnements". Today, the opera house has 1200-1500 subscribers and 20.000 users.

Christopher Widauer explained that he tried to exploit the online activities in different ways and for different purposes – such as educational use (pupils can see streaming in their classroom). For him live streaming activities are also a good opportunity to build up an online archive of performances for different (still unknown) uses in the future. He also pointed out the need to look for partners.

4. Live and on demand streaming of the concert hall Ancien Belgique (ABTV)

The online streaming of concerts of the AB has already started ten years ago, in 2006. Over this period it clearly helped to strengthen the brand "AB" and reach a wider audience. Today, with a new Youtube channel, the concert hall reaches six times the venue's capacity. All streamings are for free.

Artists appreciate the live and on demand streaming as it helps them to build a reputation, attract the attention from record labels and get bookings for other concert halls and venues.

As to technical issues, Dirk de Clippeleir reported that the installation of cameras was easy to realise and that costs remained very reasonable.

Power point presentations are available in the [dropbox](#)*.*

Second part

After the presentations, the next session was split up in 2 groups: one with Christopher Widauer and Dirk De Clippeleir that focused on the business model of streaming, the other one with Peter Marx and Rolf Bolwin focusing on the legal aspects of streaming.

Group 1: New business models and technologies for live streaming

This group specifically looked at the opportunities and challenges related to live streaming. The following conclusions came out of the discussions:

a) Streaming is integral part of the organisations' communication and digital strategy
   - installing a streaming model means in the first place creating an extra tool for your public; it is in most cases not a means of generating extra money
   - it means a change of mentality: it is about bringing (back) the performance/concert to the public. This is particularly relevant when people don't have easily access to venues

because of physical distance or when they want to see a performance from their home country (e.g. spacious Finland, Polish diaspora in the US,…)
- in some countries making performances accessible to the citizens by every means possible is also a government's request for receiving public funding

b) <u>the direct investment cost to undertake streaming is quite manageable</u>
- the investment for the technical equipment to include streaming in the communication and digital strategy as streaming is in most cases not very high; it is even not necessary to buy the technical materials (can be rented) – although there are affordable and good quality cameras on the market
- the upload on a channel as youtube is quite easy and youtube informs you about rejected content, so that you can react in case legal obligations are missing

c) <u>streaming hardly brings a direct income or direct return on investment</u>
- it is about building up audiences, investing in the future generation as young people expect to see trailers, videos another material (such as the making off, stories, or views from behind the curtains)
- different subscription models against payment: when putting a price on it, it cannot be too high
- streaming indirectly supports ticket sales

d) <u>individual versus collective promotion: both are complementary and can co-exist</u>
- participants agreed that a 'one shop', where a network or federation takes the initiative to offer performances online is a good idea, but it doesn't need to exclude individual initiatives from one single venue or other live performance producer

e) <u>a new paradigm is observed</u>
- by investing in good quality recordings, there is a trend observed that broadcasters show interest again for making performances available; the advantage for them is a cheaper recording compared to an own streaming/recording.
- it is beneficial for the organiser to bear responsibility on the recordings and streaming of the performance; he needs to be able take decisions on investment in culture and distribution towards the public.
- as soon as it is clear that the streaming tool is part of the communication strategy of the organisation, artists expect to get it. They like to see traces of their performances on social media/internet platforms as it helps them to build up their career. It is advisable to be clear in the negotiations and contracts about recording, streaming, etc.; if an artist doesn't agree, you better leave it (instead of going into long discussions)

Group 2: Legal issues linked to live streaming

Members exchanged on different contracts, agreements and approaches in Sweden, Portugal, Germany, Switzerland and the UK. The check-list presented by Peter Marx in the first part of the workshop was discussed again and the question was raised whether live performance organisations could run the risk of not clearing all the rights.

Sector organisations could negotiate on behalf of their members with unions, CMO's and publishers in order to create a level playing field and provide for clarity and transparency on tariffs and use.

Conclusions

- ➢ Performing arts organisations increasingly offer streaming services to their audiences, whilst facing legal and economic obstacles
- ➢ More agreements with publishers and collective agreements with the artists to be followed in the future – makes daily work much easier
- ➢ The technical set up to allow live streaming (cameras, quality of capture, video making) is rather uncomplicated to realise
- ➢ Live and on-demand streaming doesn't generate direct income but allow producers to engage directly with their audiences and build up their communities
- ➢ It strengthens the brand of the live performance organisation
- ➢ For different parts of society, it can create a real added value to the live experience
- ➢ Think about partners (such as broadcasters) to widen the audience
- ➢ Besides the classical offer of a live streaming, think about other purposes (educational purposes, building up archives…)
- ➢ Building up archives for the future in the digital world is important – we can't predict what we can do with the audio-visual material at a later time