

Internet Streaming Agreement Updates: Changes and New Options for Houses of Worship and Social Media

There will probably be a year in the future in which the AFM's Internet Streaming Agreement has not changed. Unfortunately, this is not that year. However, deviations from the previous framework are not vast.

We attempt to always provide the most up-to-date information to musicians, local officers, and employers. The last thing we want to find out is that someone has made decisions based on information provided in a previous year. Even within the past month, we had an employer ask about the availability of COVID-era agreements that were only intended to be used in conjunction with government-mandated venue closures.

The Electronic Media Services Division (EMSD) guidelines for audiovisual internet streaming projects are based on the agreements it bargains with major industries to produce that type of content, in this case, television production and music video production. This means that our streaming guidelines must remain in line with our Television Videotape Agreement and our Sound Recording Labor Agreement (SRLA).

The caveats to the use of this table remain the same as in prior years:

- These guidelines are meant for productions where the music is captured simultaneously to the visual component of a production, thereby making the production performance based. The guidelines do not apply to "film" projects where the audio is underscored after videography is completed. AFM agreements with the Alliance of Motion Picture and Television Producers (AMPTP) have contained New Media Side Letters since 2010 and those terms must apply to film projects.
- These guidelines may or may not apply to symphonic orchestras. Check with AFM Symphonic Services Division first. They may direct you back to the EMSD parameters.
- Stage theatrical productions should be handled separately; just as in the symphonic world, specific parameters for the capture of musicals may have been bargained in a different manner.
- If the content being created is to advertise a product, service, or event, then it should be categorized as a made-for-internet commercial announcement.

The information fits best in the accompanying table with the procedures determined by two overarching questions: "Is the stream long-form or short-form?" and "Is the engagement being captured a live performance or a specific recording call?"

The AFM makes a contractual distinction between "long-form" performance videos, usually of full concerts, and "short-form" videos of individual songs. This is designed

to prevent the terms from circumventing either the television agreements or the SRLA's language on music videos. Remember, these promulgated internet agreements need to fit into the puzzle alongside new media terms that are elsewhere bargained with industry.

Long-form content that is made available free to the consumer may utilize an addendum to the Local Live Engagement Contract, administered by the local, to pay an additional percentage of the performance wage (plus pension, if applicable) for short-term internet streaming, up to 30 days. Beyond 30 days, the producer should sign the AFM's On-Demand Streaming Agreement.

What is new from last year's chart is the availability of two specialty agreements. The first permits houses of worship to stream church services for a seven-day window for the same discounted rate as a livestream without capture. This enables houses of worship to leave the service available throughout the week until it is replaced by the following week's service.

The second agreement allows collective bargaining agreement (CBA) employers to post clips from their live engagements to their social media channels for a cost of 30% of the performance fee captured. There are some limitations on the usage of clips, however. Clips that contain complete songs or production numbers must utilize the SRLA (more on that below), and videos that include links to merchandise

or ticket sales are considered commercials.

If the content is not free to the consumer, or if the capture is from a recording call rather than an otherwise-covered live performance, the producer should use the Made for New Media Side Letter to the AFM Television Videotape Agreement. However, financial considerations will be made for projects of a particularly low budget or shortened streaming window.

Regarding short-form content, meaning individual music videos, terms, and conditions that were previously promulgated through special agreements with the Federation have now been bargained into the SRLA. This includes the distribution of live performances at a rate charged per video, as well as the new alternate music video structure for recording calls to produce promotional videos. Single engagement employers may still utilize the Three-Minute Promo Agreement, which provides for 30 minutes of capture to produce three minutes of material to promote their own upcoming engagements.

A pre-existing feature of the SRLA, the low budget location recording, is also available. This breaks the rubric a little bit, as it permits the release of any amount of music and image, whether long-form or short-form; however, it can only be utilized if several conditions are met. Those conditions are listed in the bottom of the table.

Guidelines for Audiovisual Internet Streaming Projects

Caveats: Not to be utilized for film projects, staged theatrical performances (plays or musicals), or commercials. Check with Symphonic Services Division first for symphonic, opera, ballet, or chamber performances

	LONG-FORM EXHIBITION full concerts, galas, programs, etc.	SHORT-FORM EXHIBITION individual videos of tracks, pieces, etc.
Captured from Live Performance	Local Contract Addendum (up to 30 days) or On-Demand Streaming Agreement Use Videotape Agreement if the consumer must pay to access the stream	New electronic distribution of a live performance of full songs in SRLA 3-Minute Promo Agreement for single engagement employers using three minutes or less or Live to Social Media Agreement for CBA employers
Engagement is Called to Produce a Recording	Made for New Media Side Letter of Television Videotape Agreement	New alternate music video structure in SRLA
<p>The Low Budget Location Recording parameters of SRLA may be utilized if the following conditions are met:</p> <ol style="list-style-type: none"> 1) Recording is done on-location, not in a traditional studio setting. 2) The total project budget is under \$30,000. 3) The recording is to promote an artist or a recording. 4) Tickets to attend the performance are not purchased for the purpose of hearing any particular artist. 		

Note: This article and accompanying table are meant to provide an overview of the numerous options available to potential internet streamers. For local officers, a more detailed account of the nuances between these agreements can be found in the document titled "Local Administration Packet for Internet Streaming" in the EMSD folder of the Members' Portal link of the AFM website.