



MEAA Equity Factsheet

Performers' rights: Streaming and recording live performances

As a result of the closure of many theatre productions and shows, there has been some interest from producers (and cast) to record and stream their shows for audiences that would otherwise be unable to attend.

In the time of Coronavirus, recording and streaming of live theatre is a useful tool for shows that have closed down to be viewed by ticket holders, and for live theatre and musical productions – which have been years in development – to reach their intended audiences.

Currently under the Award and the Performers Collective Agreement (PCA), recordings of live theatre productions (including rehearsals) can only occur by agreement between the producers and cast.

If you are asked about the streaming of a theatre production, which could include a new recording of the production or the release of archival footage, Equity recommends you consider the following:

Equity has a number of agreements for live recording and streaming which should be used by the producer.

Equity and Live Performance Australia have negotiated agreements in the past. These agreements are different according to the intended use of the footage – where for example the recording will be streamed to existing ticket holders or for educational use, then the payment for cast would likely be lower than for a commercial venture intended to make profit. We suggest that members seek a share of the profits for commercial recordings, with minimum payments based on our MEAA Equity screen or live performance agreements. Currently, we are also asking that full run of show contracts be paid on top of a recording fee, but this may depend on the production. Where content is being created for online (or screen) use only, without being performed in front of a live audience, then the standard MEAA Equity Screen agreements and contracts should be used - AFFCA or ATPA/ATTRRA.

These agreements are non-binding and only provide minimums rates to be paid to cast.

Any cast member is free not to agree to the recording and streaming of a live theatre production for which they are engaged. Hence these recording will only likely take place where cast are happy to go ahead. Cast are in a strong position to negotiate and should insist on Equity contracts for their own protection. The Equity agreements we use with producers set out minimum payments only. Cast and their agents are always free to negotiate a higher rate or personal margin with the producers directly.

PHONE

WEB



Rights should be limited to the intended use of the recording – this can include time, place and for a period of time.

In agreeing to stream a recording, you will be assigning your rights to the footage in exchange for compensation. As the compensation is limited, so too should the rights and usage that is bought out in the agreement. Cast should NEVER agree to usage 'in perpetuity'. We usually limit usage to a period of time in which the recording is available on a website – such as Vimeo or the producers own website. We often ask for geo-blocking so that the streaming can only be viewed in Australia or specific states. This is all done to protect the performers' images and limit use to the intended audience.

Covid-19 specific agreements

We are conscious that recording and streaming of live theatre, could have an adverse impact on the live theatre market in the long term. This could allow productions to reduce their tours significantly. As such, Equity is dealing with covid-19 specific agreements on a non-precedential basis. This means that any agreements to stream to existing ticket holders will only be used during the current health crisis, and will not impact the union negotiating agreements with higher payments or more substantial profit-sharing arrangements in the future.

Equity is currently in discussions with the LPA in order to negotiate these agreements further and make sure cast are protected, usage is limited and any payments are maximised. As such, we ask members to contact Equity on 1300 65 65 13 or aid@meaa.org should they be asked about recording or streaming of any live theatre productions.