

**WEBINAR**

**ARTS ON (THE) LINE:  
COPYRIGHT PROTECTION OF  
DIGITAL PERFORMANCES  
FOR PRESENTERS, AGENTS  
& MANAGERS**



# PRESENTERS



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Gowling WLG COVID-19 Updates: <https://gowlingwlg.com/en/topics/covid-19/overview/>  
[gowlingwlg.com](https://gowlingwlg.com)

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# LEGAL DISCLAIMER

- The presentation today is not intended as legal advice.
- Because this is a high level overview, it is impossible to cover all relevant details, and available rights and remedies will depend on the unique facts of each situation.
- For specific advice, please consult with your qualified legal counsel before making any decisions or taking any action. This is of particular importance as every jurisdiction has its own legal regime.
- As you know, the situation is extremely fluid and is changing on a daily basis. As circumstances evolve, your best course of action could also evolve. Follow up to date and reliable sources for your information. **This information is up to date as of August 26, 2020.**

# RIGHTS IN PLAY

- **Copyright**

- For literary, dramatic, artistic and musical works as well as performances, sound recordings and communication signals
- Different actions require authorization and can be parsed, these include:
  - The right to perform the work in public
  - The right to produce or reproduce the work
  - The right to synchronize with another performance or work

- **Moral rights**

- The right to the integrity of the work and to be associated with the work (where reasonable)

- **Personality rights**

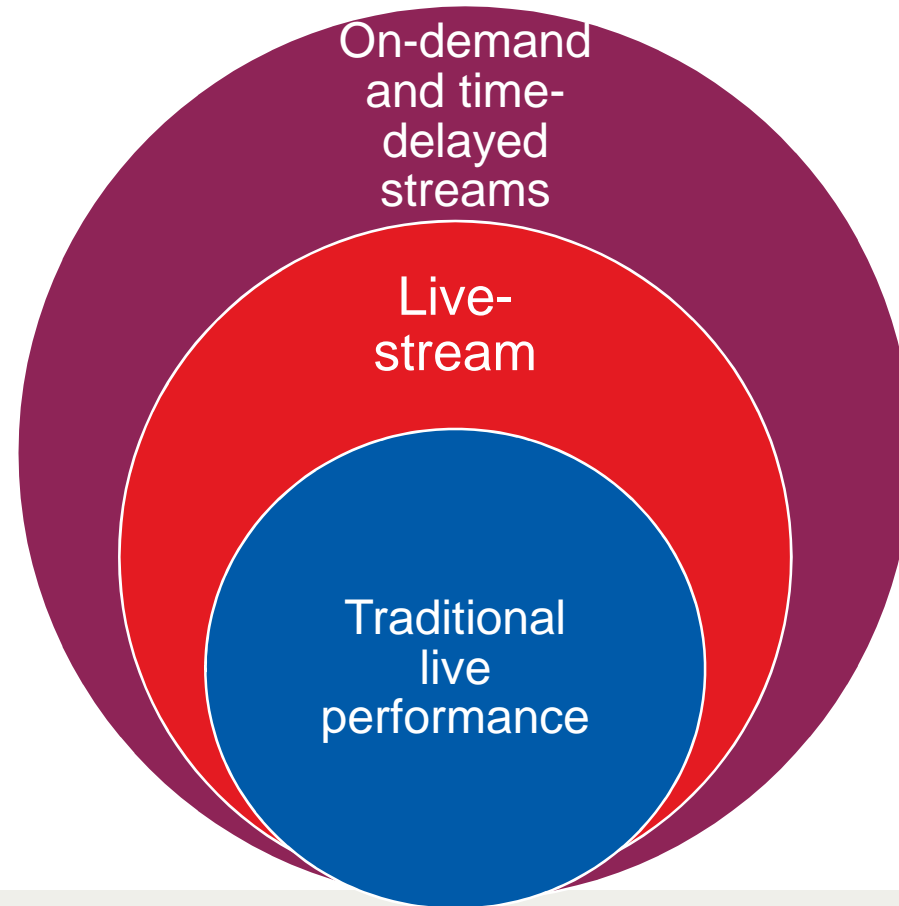
- Including use of image and likeness

- **Venue**

# THE PLAYERS

- **Content (the underlying work)**
  - Authors/playwrights, choreographers, songwriters, publishers, recording artists, labels
- **Performance**
  - Performers and creative crew
- **Personality rights**
  - Performers and creative crew
- **Venue**
- **Other considerations**
  - Ex. collective societies and unions

# WHAT RIGHTS DO YOU NEED?





# TRADITIONAL LIVE PERFORMANCES

## 1. Copyright in the content

- The right to perform the work in public
- Perhaps limited reproduction rights for specific purposes

## 2. Copyright in the performance

- Contract with performers and creative crew (Directors, lighting, choreographer, etc)

## 3. Personality rights

## 4. Venue

Traditional  
live  
performance



# LIVE-STREAM OF PERFORMANCE

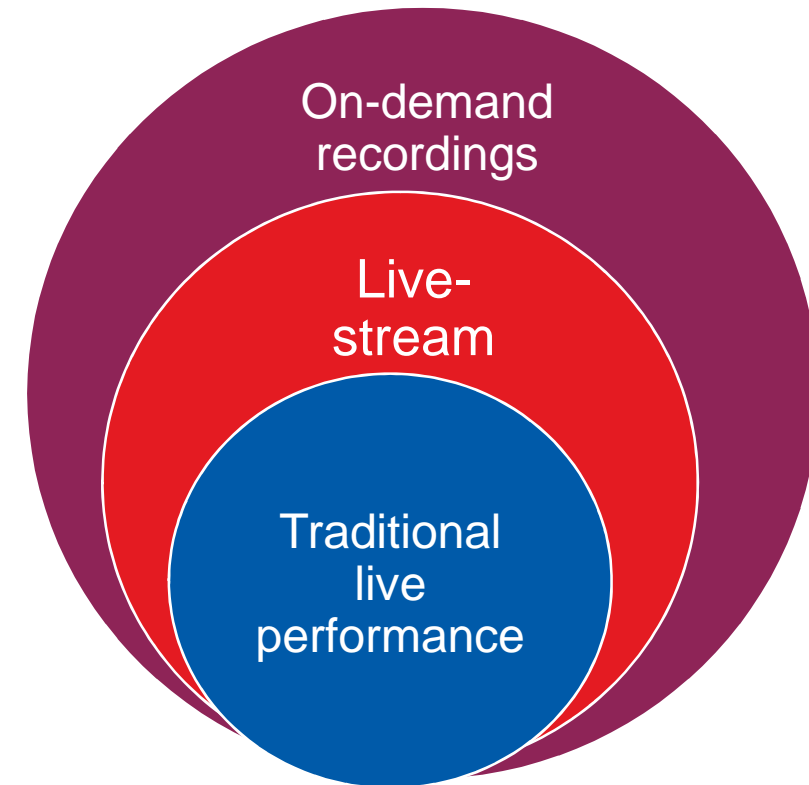
- **All rights applicable to traditional live performances plus permission for additional uses will be required**
- **Contracts with all parties should include live-streamed performances**
- **Considerations include: platform/website, geo-blocking, limited or wide access (incl. password protection)**





# ON-DEMAND VIDEO OF PERFORMANCE

- **All rights and considerations applicable to traditional live performances and live-streamed performances plus:**
  - The right to reproduce the work(s)
  - Sync licenses may also be required
- **Also consider term of license (how long will performance be posted)**



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