



# The Legal Landscape of Live Streaming

*Presented by:*

The Alliance of Performing Arts Conferences (**APAC**)

April 21, 2020



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# Introduction

This document is intended as a *general introduction* and guide to the legal issues related to live streaming and is not intended as a definitive outline of all legal issues related to live streaming. While the principles covered here apply to most jurisdictions worldwide, it is written from the perspective of the laws of the United States. This guide is intended *solely* for general information purposes only and is not intended as a substitute for legal advice.

## Prepared By

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# Key Legal Considerations when Live Streaming

# Key Legal Consideration when Live Streaming #1

## Music Clearances

1. **Music Clearances** - Two (2) Sets of Rights to be Considered:
  - a. **The Composition (“Publishing”)** - *Two (2) publishing licenses*:
    - i. **Public Performance** - the right to publicly perform the underlying musical composition. Secured license from PRO (“Performing Rights Society” - ASCAP/BMI/SESAC)
    - ii. **Mechanical Right** - the right to reproduce the underlying musical composition. Secured directly from publisher (UMPG, Kobalt) or through administrator (i.e. Harry Fox, Music Reports).
  - b. **The Sound Recording (“Masters”)**
    - i. Refers to the right in specific recording (vs the rights to the underlying composition in “publishing”).
    - ii. Rights Owner - A record label or an independent (i.e. DIY) artist who has not assigned their right to their Masters.

## Key Insights

- A venue’s live performance license with ASCAP/BMI/SESAC does not cover live streaming (on or off premises). Separate public performance for live streaming license is required.
- A live stream does not require a mechanical license until it is archived and rebroadcast and/or if the stream is recorded and sold/distributed as a stand alone recording.
- Sound Recording license generally not required for live stream unless the performance includes pre-recorded music (eg: live stream of dance performance to recorded music).
- **EXCEPTIONS - Sound Recording License needed where:**
  - Continuous non-interactive stream (i.e. internet radio) - requires a Soundexchange License
  - Rebroadcast of Live Stream - Major labels argue that on demand streaming of live performances violates their exclusivity clause with Artists + Violates re-record restrictions.
  - DJ Sets - sound recording (+ publishing) license **required**. Why? Need to clear the public performance of the pre-recorded sound recordings found on vinyl/digital audio files that are being used by the DJ and broadcast during DJ Set.

# Key Legal Consideration when Live Streaming #2

## Performer/Artist/Image Clearances

### 2. Performer/Artist Clearances

- Clearance = A contractual arrangement with the Artist/ Performer (and label if necessary) seeking approval to livestream the performer's likeness and performance.
- Live Stream clause can be part the existing live engagement agreement or may be entered into separately.
- It is a contractual arrangement that may involve the payment of consideration (fee, revenue share, royalty).
- If Artist is not signed, secure approval directly from Artist or Manager.
- If Artist is signed to a label, secure approval from Artist and the label.

## Key Insights

- Artist/Performer approval needed before any live stream.
- Approvals also needed of dancers, orchestra other performers appearing in live stream. The live agreement with Artist may require Artist to secure the approval of other performers.
- Securing approvals very important if:
  - You are going to stream pre-recorded/archived live performances.
  - Stream and exploit the live stream for sale.
- Err on the side of caution particularly with major label artists and artists with substantial following/draw.
- Ease the Barriers to Entry by working with unsigned artists performing original works.

# Key Legal Consideration when Live Streaming #3

## Performance/Content Moderation

### 3. Performance/Content Moderation

- **Defamation** - no disparaging remarks on the live stream about anyone (public or private), particularly those that cannot be proven as true.
- **Trademark** - all use of third party logos, trademarks, branding in the live stream requires a license or should be avoided. Risks of infringement claims and takedowns should be mitigated.
- **Content Restrictions** (*selected - non exhaustive*)
  - Profane/Offensive Speech
  - Illegal Activity on the Stream - no drinking or smoking
  - Political Speech
  - Cultural Sensitivities - eg: portrayal of religious imagery

## Key Insights

- **Trademark:** Avoid using branding/logos without license. Never show brand in a bad light. Notes:
  - Incidental Use is permitted. (eg: Drummer is wearing a Yankees hat).
  - Repeat third party infringement notices against your stream will lead to ban from the platform. (3 strikes)
  - If you (venue) or platform has secured a license from the trademark/brand/logo owner. (eg: in Brand Sponsored live stream advise the performer(s) accordingly and secure approval)
- **Content Restrictions:**
  - **Global Audience** - What may be protected as “free speech” (eg: burning the flag) in the US is punishable by up to one (1) year in prison in India under the *Prevention of Insults to National Honour Act (Amended) of 1971*.
  - **Mitigate and moderate** - Most platforms used will have strict content moderation. Do not risk repeat “strikes”.
  - **Terms and Conditions** - Any live streaming platform *Terms of Use* will have detailed list of restrictions. Read them.

# Live Streaming Solutions



# Live Streaming Solutions

A Selection of Available Live Streaming Solutions. (See "[Resources](#)" Slide for Further Information)

YouTube	Facebook Live	Instagram - Live	Twitch
<ul style="list-style-type: none"> <li>● Licensed for Live Streaming and On-Demand Playback .</li> <li>● Automatic archive of Live Streams.</li> <li>● Easy set up. Easy to promote to subscribers and fans.</li> <li>● Post stream analytics available.</li> <li>● Interact with fans in real time with comments.</li> <li>● Monetize with Ads. Easy to set up but Revenue is low.</li> <li>● Easy to set up donations.</li> </ul>	<ul style="list-style-type: none"> <li>● Licensed for Live Streaming and On-Demand Playback .</li> <li>● Unclear licensing payment and reporting mechanism with labels and publishers</li> <li>● Low barrier to entry, simple setup.</li> <li>● Connect directly to FB fans/followers. Interact in real time in comments.</li> <li>● Easy to promote, add sponsors.</li> <li>● Limited monetization with ads. Anticipated rollout of in-stream ads.</li> <li>● Anticipated rollout of monetization tool to allow viewers to pay streamers through "Stars" (currently only available for Gamers)</li> </ul>	<ul style="list-style-type: none"> <li>● Licensed for Live Streaming and On-Demand Playback</li> <li>● Unclear licensing payment and reporting mechanism with labels and publishers</li> <li>● A feature within Instagram Stories</li> <li>● Live stream is only available for 24 hours - then publish video on your Stories.</li> <li>● Easy to notify and communicate to fans/followers..</li> <li>● Monetize through donations, tipping, Ads.</li> </ul>	<ul style="list-style-type: none"> <li>● Licensed for Live Streaming and On-Demand Playback</li> <li>● Leading platform. Intended for gaming. Large # of engaged users. More complicated setup.</li> <li>● Monetization via ads and tipping after you reach # of subscribers.</li> <li>● Affiliate and Partnership programs provide monetization and other tools.</li> <li>● 24 hour exclusivity for streams. Use multi stream tool.</li> <li>● Robust analytics tool, social media integrations, customization.</li> </ul>

# Live Streaming Solutions

A Selection of Available Live Streaming Solutions. (See "[Resources](#)" Slide for Further Information)

Livestream (Vimeo)	Big Room	Stage It	Wowza   Vimeo   Maestro	Mixcloud Live
<ul style="list-style-type: none"> <li>• Licensed for Live Streaming. On-Demand Playback behind paywall.</li> <li>• Intended for customized livestreams</li> <li>• Ideal for experienced user or venue looking for customized options.</li> <li>• Requires subscription to use all tools.</li> </ul>	<ul style="list-style-type: none"> <li>• Streams to the Big Room app.</li> <li>• Allows you to stream "from" one of the Big Room venues or on your own page, archives performance, monetization coming soon!</li> <li>• Provides automated multi-camera production software that streams to all major platforms.</li> <li>• For venues and performers.</li> </ul>	<ul style="list-style-type: none"> <li>• Allows artists to monetize streams, includes chat and analytics.</li> <li>• More advanced setup, works well for 'festival' style streams.</li> <li>• 500,000 + subscribers</li> <li>• Fans purchase tickets and tip performers throughout the show using "TipJar".</li> <li>• All Genres. Used by Tommy Morello, Bonnie Raitt, Jason Mraz.</li> <li>• No Archiving.</li> <li>• Licensed for Live Streaming Only.</li> </ul>	<ul style="list-style-type: none"> <li>• Provides all backend architecture for customized live streaming</li> <li>• Provides customizable tools for capturing, converting streaming, storing, monetizing streams.</li> <li>• Requires technical setup.</li> <li>• Does not provide for any music clearances or licenses.</li> </ul>	<ul style="list-style-type: none"> <li>• Launched on April 20, 2020</li> <li>• Licenses with many key labels and publishers to allow DJ's to live stream sets.</li> <li>• Currently no archiving and re-broadcast of live streams available.</li> <li>• Must have Mixcloud PRO Membership to sign up. (\$15/month - first 3 months free)</li> <li>• Still in Beta</li> </ul>

Monetization

# Monetizing Live Streaming

*The following are methods for monetizing live streaming content.*

01

## In Platform "Tipping"

YouTube/Twitch/FB/Stageit/Big Room - all have tipping features(eg. Twitch has: "Bits" that user's can buy and tip the performers of a live performance/Stageit has a "Tip Jar" feature)

- ◆ All revenue generated subject to % share by the platform.

02

## In Platform Subscriptions

YouTube/Twitch etc have premium subscription models for your channel

- ◆ All revenues flow through platforms and are subject to revenue share.
- ◆ Need to balance the need to attract new viewers (i.e. free) with keeping certain premium content behind a paywall (i.e. revenue) (welcome to the growth vs revenue music streaming conundrum)

03

## Third Party Payment/Donation Platforms for Projects

Streamlabs, Patreon, Kickstarter, GoFundMe - tie in your live stream with a specific project (eg: GoFundMe project to support the employees of a venue under lockdown)

- ◆ Create specific awards for donors - incentives and rewards
- ◆ Balance what is free vs paid content

04

## Brands

Lean-in live events present great monetization opportunities with well-matched brands

- ◆ Live branded content can provide an engaging experience to consumers, at a fraction of the cost
- ◆ Brands need to enhance experience for fans, not just provide surveillance video experience
- ◆ For example, with a music festival, give fans opportunity to switch stages, create engagement

05

## Ad Revenue

YouTube, Twitch, FB offer this option.

- ◆ Not a massive revenue stream.
- ◆ May want some control over the types of ads that are being displayed (eg: Choral Music Performance with *Fortnight* ads?)

# Monetizing Live Streaming

*The following are methods for monetizing live streaming content.*

06

**Affiliate Sales**

Commission every time a shopper clicks on affiliate link and makes a purchase. A mere promo code will work. A link is placed somewhere in your stream description.

- ◆ Ensure the product and services are relevant.
- ◆ Content is king. Content must be on point, must not be solely for making sales.

07

**Merchandise**

Selling of merchandise in connection with your live stream.

- ◆ Online Store - effective means of controlling the value chain.
- ◆ Design, Production, Inventory and Shipping considerations.

08

**Coaching/ Lessons /  
Seminars / Value Add  
Services**

Using livestream to market one on one music lessons, coaching, seminars that are paid.

- ◆ Websites such as Maestro Match pair up teachers with prospective students around the globe
- ◆ Musicians are using Skype, Facebook and other platforms for direct interaction

09

**Ticketing Partnerships**  
(JioSaavn Live Anywhere)

JioSaavn partnered with Indian event ticketing platform *Insider.in* to provide monetization opportunities to artists

- ◆ 3rd party ticketing platforms helps expand audience through in-app promotions and subscriber lists
- ◆ 100% of all 'tipping' from the live performance goes directly to artist
- ◆ Not widely adopted

# Suggested Best Practices

# Suggested Best Practices

## Promotions and Engagement

- **Social Media:**
  - Announce your livestream on all your socials.
  - Post the time and platform of your performance.
- **Engage with your audience:**
  - Reply to the comments
  - Take song requests
  - Tell the viewers the story behind your song/album
  - Give them a studio/house tour
- **Include a Call-To-Action:**
  - Once you finish your set, be sure to include a call-to-action. Direct your audience to your socials, streaming platforms, your website, your playlist etc
- **Miscellaneous:**
  - Venues: Watermark your streams.

## Technical

- **Internet:**
  - Try to stay close to your router or if possible use wired connection instead of wireless.
  - Close any background applications connected to the internet as they may hamper the stream quality.
- **Audio and Video equipment:**
  - Use and test available Streaming Tools (*see "Resources"*)
  - Use a good microphone and try to use a direct line for audio instead of using the audio from speakers to stream.
  - Use a HD webcam for better quality stream
  - Avoid your phone's camera and mic if possible.
- **Ambience/Lighting:**
  - Make sure you have sufficient lighting as that'll make the video look good and keep the noise levels low.
  - Clean the background, remove dirty clothes, or dishes and try to set an aesthetic theme for the live set.

Use Cases/Common Questions



# Use Cases/FAQ's

## When in Doubt: Consult a Legal Professional

1	Covers	<ul style="list-style-type: none"> <li>• Performing covers is permitted where there is an existing public performance license that covers the public performance of the composition</li> <li>• Facebook, YouTube and other platforms generally pay licensing fees to all publishers and PROs to allow music content to stay up on their sites (e.g. cover of “Stairway to heaven” made available on demand solely as a live stream is ok)</li> <li>• Archived on-demand streaming of covers may require additional mechanical licenses (depending on platform used)</li> </ul>
2	Venue’s License with ASCAP/ BMI/ SESAC	<ul style="list-style-type: none"> <li>• A Venue’s ASCAP/BMI/SESAC license for live performances does <u>not</u> cover live streaming - whether it happens in the venue that is filled or empty and being used for solely the livestream. It certainly doesn’t cover you (the venue) if the artist is performing at home.</li> <li>• Even if fully-licensed venues are broadcasting online from their own locations, digital media transmissions require separate licenses.</li> </ul>
3	Genre of music does not make a difference	<ul style="list-style-type: none"> <li>• Licenses are always needed irrespective of genre.</li> <li>• Music that is within the public domain, if used in a specific arrangement may/may not change the nature of the copyright adequately enough to warrant a specific license for the underlying work. Consult a music/copyright lawyer.</li> </ul>
4	Streaming of Archived Live Recordings	<ul style="list-style-type: none"> <li>• It’s no longer a pure live stream. Depending on platform used, on demand streaming of archived live recordings will require Sound Recording and Publishing Licenses.</li> <li>• Exercise Caution: reach out to the Artist/Label - EVEN if it's not for monetary gain as licenses are always needed.</li> </ul>
5	Artists receiving payments	<ul style="list-style-type: none"> <li>• Musicians are directly receiving a Venmo, Cash App, or other direct payments, in return for a live stream, online coaching etc. Good will and fan-relationship considerations - if you are promising anything in return for the donation be sure to deliver.</li> <li>• The legal concern: <b>Taxes</b> (assuming that the musician is using a platform like YouTube)</li> </ul>

# Use Cases/FAQ's

## When in Doubt: Consult a Legal Professional

6	<b>Setlists for YouTube and FB</b>	<ul style="list-style-type: none"> <li>• Because of YouTube's content ID system, set lists are not needed. Its algorithm will identify the works.</li> <li>• While FB does not have a specific Content ID system it also complies with the notice-and-takedown procedures set out in the DMCA, which applies to content reported and removed for violating U.S. copyrights (for instances where rights are not secured)</li> </ul>
7	<b>The Monthly Live Stream Festival</b>	<ul style="list-style-type: none"> <li>• All the clearances listed will be needed for a monthly "festival - style" live streaming:             <ul style="list-style-type: none"> <li>◦ Music</li> <li>◦ Performer</li> </ul> </li> </ul>
8	<b>Dance</b>	<ul style="list-style-type: none"> <li>• The following clearances (at minimum) will be required:             <ul style="list-style-type: none"> <li>◦ <u>Sound Recording</u> license from label(s)/rights owners if performance is to pre-recorded music.</li> <li>◦ <u>Composition</u> (Mechanical &amp; Public Performance) - required as</li> <li>◦ <u>Artist/Dancer/Performer</u> - clear right to use likeness, image and performance in context of live stream.</li> </ul> </li> </ul>
9	<b>The Live Streaming Contract between the Artist and Venue</b>	<ul style="list-style-type: none"> <li>• Live Streaming Engagement Agreement: Treat the live stream arrangement as you would a normal live performance agreement.</li> <li>• It's a negotiation between parties. May or may not have a fee, revenue share component.</li> <li>• Ensure the content guidelines (similar to what venue would ask for in a live agreement) regarding profanity, trademark, etc.</li> </ul>

# Key Takeaways

# Key Takeaways

## *Always Consult with a Legal Professional*

**Good Content First**

- Monetization Second.

**Don't Recreate the Wheel**

- See the list of [Resources](#).
- Use Multi-stream Platforms for ensure coverage across multiple platforms.

**Always Read the Terms and Conditions**

- While these platforms have licenses, as the user you are still making certain representations and warranties and ultimately indemnifying these platforms.
- Be aware of community guidelines and content restrictions.

**An Example of “The Lowest Barrier to Entry”  
for a PAC/Venue**

- The unsigned artist, performing original songs that is live streamed performance on the PAC/Venues’ branded YouTube page.

# Key Takeaways

## When in Doubt: Consult with a Legal Professional

Engage with your viewers/fans


**Examples:**

- - Singer songwriter commenting back on pages
  - Taking song requests
  - Talking about the poster on the wall or why that house plant on the screen hasn't been watered in months.

Get Your Tech in Order

- - Good Bandwidth
  - Use existing live streaming tools (See "Resources")
  - Direct line into a mixer
  - Ambience/Lighting:
    - Avoid your phone's camera and mic if possible.
    - Watch and learn from other Live Streams

**Always Consider Legal Risks When Live Streaming**  
*(When in Doubt: Consult with Legal Professional)*

- - Cease and Desists Letters
    - Take Down Notices
    - Copyright Infringement Claims
    - Monetary Damages
- 
**NOT WORTH IT!**

# Resources and Acknowledgments

# Live Streaming Platforms (*Selected*)

*Provided Solely for Reference Purposes*

- Facebook: [About Live Broadcasting](#)
- Twitch: [Creator Camp](#)
- Instagram: [How do I start a live video on Instagram?](#)
- Stage It: [What is Stage It.](#)
- Livestream: [Stream Live Video Online | Vimeo Livestream](#) and [Stream Better with Vimeo](#)
- Wowza: [Live Video Streaming Platform](#)
- Maestro: [Maestro: Interactive Live Streaming](#)
- Mixcloud Live: [Mixcloud Pro](#) or [How do I go live with Mixcloud?](#)
- YouNow: [Live Stream Video Chat | Free Apps on Web, iOS and Android](#)
- Big Room.tv: [Big Room captures live shows and brings them to audiences everywhere\\*](#)
- Bandsintown + Twitch: [Affiliate Partnership - for Artists with 2000 Bandsintown Trackers.](#)
- SoundCloud + Twitch: [SoundCloud is partnering with Twitch so you can connect with new fans and get paid](#)

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# Multi Streaming Platforms + Streaming Tools

*Provided Solely for Reference Purposes*

## Multi Streaming Platforms

- Restream: [Restream: Multistream to 30+ Platforms Simultaneously](#)
- OneStream: [Live Stream Pre Recorded/Archived Videos to 40+ Platforms](#)
- Stream to IG Live via Restream: [RTMP - Instafeed](#)
- Stream to IG Live via Restream: [Yellow Duck Integration](#)

## Streaming Tools

- Big Room Studio & Big Room Pro: [Live streaming software and hardware for venues and artists.](#)
- OBS: [OBS: Open Broadcaster Software](#)
- Wirecast: [Live Video Streaming Software | Wirecast](#)
- XSplit: [XSplit: Live Streaming & Recording Software](#)
- Streamlabs: [Streamlabs | The best free tools for live streamers & gamers](#)
- vMix: [vMix: Live Video Streaming Software](#)
- Lightstream: [Lightstream is a powerful & intuitive live streaming studio in your browser](#)



# Additional Resources and Documentation

*Provided Solely for Reference Purposes*

- [Reed Smith's guide to live streaming | Perspectives](#) (A Legal Guide)
- [Live Stream Your Music : A Full Guide for Musicians](#) (Restream.io)
- [Facebook Plans to Let Artists Charge for Livestream Access](#) ( Pitchfork - April 27, 2020)
- [Stageit, the Music Live Stream Platform Finally Comes into its Own](#) (Variety.com - April 7, 2020)
- [JioSaavn to bring live music to your home with 'Live Anywhere' initiative](#) (The News Minute - April 4, 2020)
- [The Complete Guide to Live Streaming](#) (Technical White Paper by Wowza)
- [Mixcloud new live streaming platform is a game changer for DJs – here's why](#) (DJ Mag.com - April 24, 2020)
- [The legal underbelly of livestreaming concerts | Water & Music](#) (By music journalist Cherie Hu)
- [Coronaraving: The Business Implications Behind All Those Livestreamed DJ Sets](#) (Billboard.com - April 9, 2020)
- [Virtual Music Events Directory](#) (Crowdsourced Directory of Live Streaming Resources created by Cherie Hu)
- [Twitch Affiliate Program: Requirements & Tips](#) (Restream.io)
- [How to Stream on Twitch: Your Ultimate Guide in 2020](#) (Restream.io)
- [Monetize your live stream - YouTube Help](#) (Google Support Page)
- [Live Video ROI: 4 Strategies for Live Video Monetization](#) (Livestream.com)

# TamizdatAVAIL

## *Pro Bono* Legal Assistance with Live Streaming Questions

**TamizdatAVAIL now provides *Pro Bono* legal assistance with Live Streaming questions.**

As the performing arts are rapidly transformed by the COVID-19 pandemic, artists and arts professionals are pivoting to new media to stay connected with audiences and with each other. But as we turn to technology to fill a void left by shuttered venues, it can be hard to figure out what is an opportunity, and what is a risk.

TamizdatAVAIL is responding by expanding the scope of its *pro bono* legal assistance program to cover questions artists and arts professionals may have about live streaming performing arts content. If you have general legal questions about live streaming rights, royalties, reporting, takedowns, or clearances, TamizdatAVAIL's volunteer attorneys are here to help. The scope of TamizdatAVAIL's program is limited. Limitations include working only with clients who do not have access to an attorney, questions that do not require an analysis of state, foreign or international law, and issues that do not require written work product to be addressed.

**Contact TamizdatAVAIL for free legal assistance:**

**Email: [avail@tamizdat.org](mailto:avail@tamizdat.org)**

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# Biographies

## Speakers Bio's

### Ali Sachedina

**Ali Sachedina** is VP, General Counsel of Legal & Business Affairs of [JioSaavn](#). Founded as “Saavn” in 2009, *JioSaavn* is one South Asia’s largest digital music streaming services with 55 million records under license in 15 languages, and 140 million monthly active users.

Based in New York and Mumbai, Ali oversees all of JioSaavn’s legal and regulatory affairs worldwide. Ali’s responsibilities include the development and implementation of all of JioSaavn’s risk mitigation and compliance processes, the management of data privacy and cybersecurity initiatives, the negotiation of complex content licensing and original content agreements, while providing strategic advice to JioSaavn’s management on wide spectrum of JioSaavn’s business development activities.

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### Matthew Covey

**Matthew Covey** is the founding partner at [Covey Law, PC](#), a Brooklyn based law firm that serves the legal needs of the international arts community, handling immigration, entertainment and business matters for musicians, actors, dancers, visual artists, record labels, talent agencies, theatre companies and professionals working with in the creative, media and tech industries.

Matthew has worked in music and arts immigration since 1996. As a member of the US/Slovak band *Skulpey*, as Knitting Factory Records’ Amsterdam booking agent, and as the manager of the *Klezomatics*, his varied career has afforded him a comprehensive understanding of the entertainment industries. He is a founding director of **Tamizdat**, a non-profit that promotes international cultural exchange.

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### Jessi Olsen

**Jessi Olsen** is the Director of Growth at [Big Room](#), a startup that builds automated live streaming technology for artists and music venues and hosts performances on the Big Room app, a community-centered platform with the ability to monetize live streams.

Jessi holds a Bachelors of Music from CUNY Hunter, a graduate certificate in Community Leadership from the CUNY School of Labor and Urban Studies, and is an alum of the Caribbean Cultural Center and African Diaspora Institute’s Innovative Cultural Advocacy Fellowship. When not working to expand artists' and venues' reach using automated live stream tech, Jessi is a singer and an active member of the Resistance Revival Chorus.

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# Acknowledgements

The author acknowledges the following individuals for the support provided during the April 21, 2020 APAC webinar “[The Legal Landscape of Live Streaming](#)” and in the preparation of these accompanying materials.

- **Aengus Finnan** (Executive Director, [Folk Alliance International](#))
- **Treasa Levasseur** (Outreach Coordinator, [Folk Alliance International](#))
- **Jerod Rivers** (Membership and Technology Manager, [Folk Alliance International](#))
- **Suroshree Dasgupta** (Lead, Music Publishing & Business Affairs - [JioSaavn](#))
- **Kumar Hans** (Associate, Music Publishing, & Business Affairs - [JioSaavn](#))

## About [APAC](#):

APAC is Arts Midwest, Arts Northwest, ArtsReady, Association of Performing Arts Professionals (APAP), Folk Alliance International (FAI), North American Performing Arts Managers and Agents (NAPAMA), North Carolina Presenters Consortium (NCPC), International Performing Arts for Youth (IPAY), South Arts and Western Arts Alliance (WAA).



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Thank You & Stay Safe!