

Rights for OperaVision

OperaVision is a FREE, live and on demand service to promote a season of opera from 29 contributing opera houses from across Europe. It is designed as:

- A way of reaching out to a wider audience
- A professional development tool
- A collaboration project for the sector

The European Commission's limited-term investment in the project is to promote those aims and support the creation of new production and financial models in an ever-evolving web environment, in order that they may be sustainable in the future. To that end, the 29 contributing partners are working to establish practical models for acquiring rights from artists to enable material to be shared via the internet. The justification for demanding such rights at little or no cost is that it is in both the public and the artists' interest to promote performances sustained by public investment to a wider, more diverse audience.

1. Singers and conductors

Negotiations began with the International Artist Managers' Association (IAMA) in autumn 2014, leading to their constructive proposal for clauses to be inserted in contracts which would stipulate free rights for OperaVision, as set out in the guideline document below.

2. Chorus and Orchestra

Several partner theatres have already bought out broadcast and/or streaming rights in their house agreements with their chorus and orchestra. Those which have not yet done so should actively pursue doing so in current or near-future negotiations; and, where necessary, consider using part of the EC money to secure the long-term change.

3. Production teams

Freelance directors, designers and choreographers have traditionally been more resistant to buy-outs for what they regard as an extension of their rights. Opera Europa has strongly argued that such rights should be conceded for the free service provided by OperaVision and incorporated within the artist's primary contract.

4. Author rights

The EC charter's article 27 on cultural rights poses the question:
'How can interests arising from authorship be fulfilled and protected in a digital world without impeding other rights to free participation in the cultural life and enjoyment of the arts?'

The best solution is for streaming rights to be incorporated within contracts for composers and librettists of commissioned works. For existing works, whose copyright is protected by royalty payments for grand rights or lesser rights for critical or scientific editions, we propose guidelines for a fixed sum payment in respect of free streaming for six months on OperaVision: a standard fee of 3.000€, adjustable down for non-grand-rights material, or up for agreed larger-scale works in large theatres but with a reasonable upper limit commensurate with total budget spend. Such payment should cover the use of extracts and the libretto for subtitles and associated promotional material.

NP/LOS updated 11.12.2019

IAMA guideline clause for inclusion in standard Opera Singers' contracts

'Notwithstanding clauses elsewhere in this Agreement granting The Company the rights to broadcast or record and disseminate visual or audition recordings of The Production in return for a fee, the Artist agrees that The Company may arrange for any of his/her performances in the Production to be streamed on the Internet (either live or by deferred transmission) via OperaVision free of any obligation on the part of The Company to pay remuneration.

'The Artist further consents to the recording made for OperaVision to remain accessible via the internet for a period of six months. This consent is given free of charge and no payment shall be due to The Artist in respect of this right.

'The Artist further consents to participate in the making of promotional material to accompany the Production on the internet as required by The Company. This consent is given free of charge and no payment will be due for participation in the preparation of this material.

'The Company also guarantees that the initiative is non-commercial and no profit will result to itself or to any other participating organisation or Artist from this project.'