

How to... choose the right online/online TV platform and business model for live and on-demand digital performance content

Who's this guide for?

Any performing arts organisation or individual artist who plans to live stream or digitally record a live performance, or create a performance specifically for filming. (This guide is not about creating an interactive live streamed event or webcast – see the AmbITion Scotland How To... guide on this subject¹.) The guide is a snapshot of services and knowledge available, correct at date of publication (Winter 2012).

Introduction



The Federation of Scottish Theatre's Digital Action Research Project (supported by The National Lottery via Creative Scotland) aims to create new knowledge and good practice about how to develop digital content; and establish thought leadership on whether and why digital content might offer the theatre sector opportunities to build more sustainable business, artistic and audience development

practices.

This resource has been created by Hannah Rudman of Rudman Consulting², on behalf of The Federation of Scottish Theatre (FST), who have undertaken a digital action research project with some of their members 2011-12. As those members have developed their own digital content experiments supported by Hannah and the FST, research learnings and good practice tips have emerged that this guide shares.

The FST wants to progress knowledge of what happens when live performances of artistic works are made available in different settings and circumstances, through digital production, distribution and mediation/consumption. This guide presents an overview of some of the new methods and platforms available to cultural organisations seeking to record then broadcast online, or stream live performances (sometimes called webcasting or livestreaming - see glossary at end of document for definitions).

(We are not seeking to create research and action around the more expensive digital production, dissemination and consumption method of simulcasting, the impact and benefits of which are well documented by NESTA's evaluation of the NTLive's³ simulcasts to cinemas, Beyond Live⁴. See

¹ http://resources.getambition.com/3_how-do-i/guides/how-to-successfully-webcast/

² <http://consultrudman.com>

³ <http://www.nlive.com>

⁴ http://www.nesta.org.uk/areas_of_work/assets/features/beyond_live

glossary at the end of document for a definition of simulcasting).

The landscape

What we know anecdotally and what commissioned research suggests is that increasing numbers of arts audiences are consuming performing arts through live or recorded digital broadcasts (National Endowment for the Arts, 2011), and that this is a great opportunity for performing arts organisations to increase the reach, scale, access to and legacy of their core artistic work.

But simultaneously, we recognise that as performing arts sector companies and artists, this has immense impact on our practices of production, distribution and creating meaning with audiences. We are also getting better at digitising live performances in a way that audiences enjoy, and in the current economic climate are needing to consider new business models to become part of a sustainable overall business model. Digital options have to be in the mix of a healthy business model ecology. Says cultural commentator Diane Ragsdale:

“I would argue that if organizations with the potential for wider reach (that is, they are producing work for which there is demand beyond their local community) can do it well, and affordably, and strategically, and ethically (paying artists their fair share), then they should embrace the possibility of mediated [digital] experiences, trusting that they can live side-by-side with the live performance (and decades of recordings by musicians that primarily make their money doing live concerts should give us some hope here). Or even better, that new, exciting art forms may emerge (think Dance on Film) geared especially to the medium. While the recording may be a substitute for some, I also believe it will be a



complementary good for others. Do I think that if mediated experiences grow in number and reach that we will necessarily maintain our current (some would say ‘overbuilt’) infrastructure in the US? I don’t. But like others, I think that some of that infrastructure needed to be dismantled anyway – long before the Met broadcasts disrupted our sector.⁵”

We know that the expansion of digital TV in the UK is disrupting the

business models of analogue TV as well as the more recently established digital video websites (the UK became the first major economy where advertisers spent more on internet advertising than on TV advertising back in 2009).

Connected TV means that increasingly TV sets, or the gaming consoles attached to them, are connected to the internet and provide browsing capability in the living room: so therefore the viewer is given the ability to be able to watch internet video.

Social TV means that the experience of watching a TV programme is enhanced by being able to interact with the show directly or with a simultaneous virtual audience via an app, social media

⁵ <http://www.artsjournal.com/jumper/2012/02/on-my-soapbox-digitization-of-live-performance/>

sites or a website (e.g. Channel 4's The Bank Job⁶ online tournaments, STV's Live app for shows such as Dancing on Ice⁷, X-factor's Tap to Clap⁸ app that feeds your iPhone applause on social media sites).

Connected and social TV services are increasingly available on mobile devices too. All these developments mean that the landscape for where we will find the niche existing audiences who love our content and the new emerging audiences who are being introduced to our content is no longer just online. It is on TV, but we don't need the massive budgets, required in the past, to get it there. And that's the opportunity.

The basics

Any live content recorded or streamed for online consumption goes through four basic steps:

STEP 1: Plan the content

Decide which live content could work well transposed into the visual medium of video/film.

In order to be able to place your content online, you must have secured all relevant rights from the creative team, cast and crew to re-produce their work in this context. There are no union pro-formas for contracts to cover this currently. Most organisations therefore propose a set fee to "buy out" - in perpetuity - the rights of the creatives. This ranges from a rate equivalent to an extra performance through to a week's extra performances, depending on the scale and reach of the producing company.

See Appendix 1, below, for an overview of the rights that must be cleared in relation to the videoing of or live streaming of a live performance.

FST digital action research project members advise having conversations about the digital rights you intend to secure right at the beginning of a production's planning phase: possibly only recruiting creative teams who understand your aims for, aspirations for, and likely value to you as the producing organisation, of the work digitally.

STEP 2: Produce the content

Many performing arts organisations, individuals and venues do not have "in-house" film crews. Therefore, you may need to work with a film production company, or video creatives to produce the live stream or recording. Work with a local company if possible so that they can more cheaply source kit and crew. Consider working with a local university or college that has a film/TV/media studies department. You might simply buy out right their services as film producers. If this is the case, you will have to specify a brief detailing the job of the director and the camera operators. This may include providing a storyboard and camera scripts. If you decide to share the risk/cost of recording the live work with the film company so that the creative work of the film production is undertaken by the film company, this makes you a co-producer of the final output with them, and therefore you share any rewards from distribution with them. Ensure any co-production contract

⁶ <http://cache.channel4.com/programmes/the-bank-job/articles/faq>

⁷ <http://entertainment.stv.tv/tv/292156-stv-live-app-returns-for-dancing-on-ice-and-scottish-passport/>

⁸ <http://www.screenreach.com/2011/08/15/how-could-the-x-factor-app-enhance-the-experience-for-viewers/>

is in hand before you start recording.

STEP 3: Publish and syndicate the content

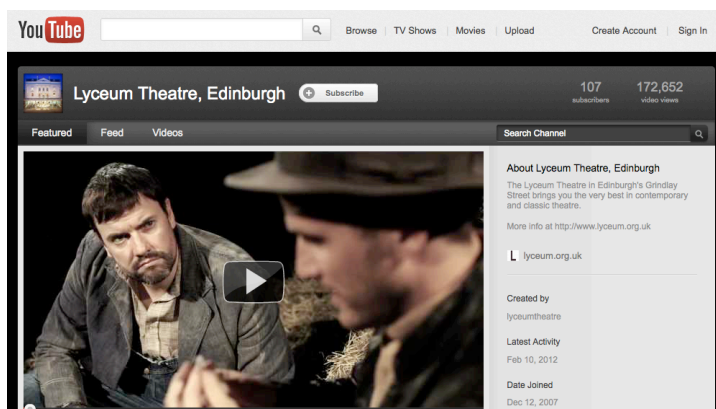
The content either exists in digital film/video format (recorded) or is about to be translated into digital video format on-the-fly (live streamed) and is ready to go online.

You have a number of options of where and how your content will be available to end-users (described in detail below), and you will need to be in contract (or be sure that you have read and agree to the terms and conditions) with the sites, platforms and services that you plan to use: to be sure that you have correctly secured the rights and that your content will be presented and monetised as you are expecting.

STEP 4: Promote the content

The content is consumed by the end-user, either free at point of use to them (likely if content is supported by ad income) or downloaded/streamed for a fee paid by them. In both instances, depending on the deals you have set up with the platform/site/service, you receive share of the fee; the producers receive share of the fee; the platform/site/service receives share of the fee. What that share is for any of the parties depends on which platform/site/service you choose to use (described in detail, below).

Options for your live and recorded versions of your core live content



With that set of steps in mind, the business model options for the publishing/syndicating/promoting options available for your digital content are:

Option 1 – Create your own channel for the content you create on an established global video platform

This option is free to you and free to end-users. You are responsible for uploading

the content in the best format, securing the rights for it, and marketing and promoting the channel. YouTube, Vimeo and Blip.tv channels are popular for non-profits, due to their ease of use, social media and sharability functions and established brand and user base. YouTube does not allow long films, Blip.tv does not allow HD films.

Examples – National Theatre of Wales, Royal National Theatre, National Theatre Scotland⁹, The Lyceum Edinburgh¹⁰, etc.

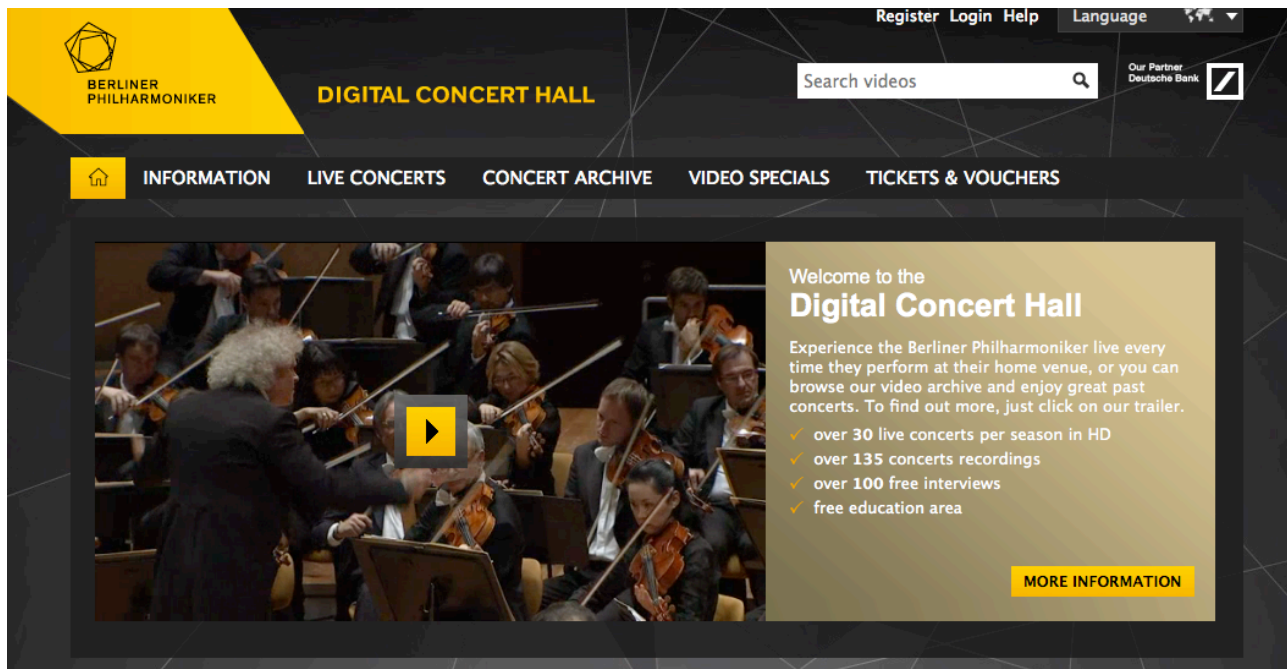
Cost to you (indicative): £single figure thousands - The contracts secured with creative

⁹ http://www.youtube.com/user/NTSonline?ob=0&feature=results_main

¹⁰ http://www.youtube.com/user/lyceumtheatre?ob=0&feature=results_main

team, cast and crew, staff time and effort to record the content, upload and promote the channel.

Value to you (indicative) : £tens of pounds per month – you compete for global audiences on global platforms. Should you choose to monetise you channel through allowing ads on it, then you share the ad revenue with the channel provider on a 30/70 split, and at



fairly low CPM (see glossary at end of document for definition of CPM) rates. So to make a lot of money, then you need millions of impressions on your content. You have minimal control over what ads appear on your content.

Option 2 - Create your own bespoke platform for a niche market with a white-label version of an established video platform product

This option gives you the opportunity to build your own video platform based on an extensive, expandable platform product such as ooyala¹¹, or brightcove¹², etc. You have control of the look and feel of the result, as well as the opportunity to monetise your content how you want, whilst keeping a significant share of the revenue.

Examples: Berlin Philharmoniker¹³, Royal Opera House¹⁴, some of the other .tv companies below in option 3 that aggregate content.

Cost to you: £tens of thousands - £hundreds of thousands, unless you are an excellent developer, you will need to employ developers to set up the service. You will pay to use the platform. You are responsible for uploading the content in the best format, securing the rights for it, and marketing and promoting the channel, so additional time and effort

¹¹ <http://www.ooyala.com>

¹² <http://go.brightcove.com>

¹³ www.digitalconcerthall.com

¹⁴ www.roh.org.uk

should be costed for this. The contracts secured with creative team, cast and crew will also carry a cost.

Value to you: £hundreds per month, if your customers are well targeted. Your niche channel has to compete with all the global video channels, but you may be able to target a niche market and secure a steady income stream from far fewer customers who are prepared to pay for your niche content, or from achieving high CPM ad rates (adverts can be targeted extremely well as your channel will provide you with great detail about the customer base, which may be of more value to an advertiser than achieving sheer numbers).



Option 3 – Let someone else make the platform, promote, store and sell and own your digital content

Online culture channels such as HiBrow.tv, Digitaltheatre.com, ontheboards.tv and ClassicalTV.com are examples of this option. Someone else takes care of the platform development, and provides it as a service to you. These channels have effectively invested in the option 2 model above, and seek your

content to enhance the overall quality and breadth of their offer, for which users might pay monthly subscriptions for complete catalogue access or one-off download fees.

Example – RSC, Young Vic, Almeida, World Book Night, Gate Theatre, Regent's Park Open Air Theatre, etc.

Cost to you: £single figure thousands - £tens of thousands. The contracts secured with creative team, cast and crew. If you film the content, or co-produce the filmed version, then you will also accrue costs here. Otherwise, all costs of the platform, the promotion are covered by the channel for you.

Value to you: £hundreds per month - you possibly receive a small amount of royalties for each sale or view of your content, depending on:

- the way the end user accesses the content (is it free to them and supported by advertising? Do they pay to download it?);
- the production or co-production deal you have with the channel.

An artist's perspective of option 3 taken from the Walker Art Center's website: Young Jean Lee (photo by Gene Pittman) on working with Ontheboards.tv¹⁵

Leaneagh

You've made a lot of your work accessible online, for example how We're Gonna Die is [stream-able for free](#) on your website or how a performance of The Shipment is [available for rental from On the Boards TV](#). How important is it for you that your work be preserved on video and that it be accessible online?



Lee

It's incredibly important. Everything that supports the company comes from having video of the show, and having it to present to funders and presenters. On the Boards and Joe's Pub are the two venues that have offered to present our work online, and it's been tremendously helpful.

Leaneagh

A lot of artists prefer their work to only be experienced live in the theater. What are the ways you feel the transfer to video alters the experience?

Lee

Well it's a completely different thing, definitely. But you can still get an idea of what it is and get emotionally invested. The On the Boards recording of The Shipment was shown on the big screen at BAM (Brooklyn Academy of Music), at the movie theater there, and we had a few technical problems, but the entire audience still got completely sucked in. It felt very similar to the theatrical experience.

Leaneagh

Also On The Boards does a four or five camera shoot for their performance recordings, right?

Lee

Yeah, that was the highest quality video shoot we could get for a show. But even with the smaller videos, we've gotten a lot of tours booked just on crappy videos. So I think you actually can get a sense of the show from video. And I've heard people say they are fans just from watching video footage. So I think my work does translate.

Leaneagh

I saw We're Gonna Die in April at Joe's Pub and I've been able to share the performance with friends here (in Minneapolis) since it's online and get them excited about your upcoming show at the Walker. It doesn't seem like many artists in experimental theater try to have their work online, but maybe it would be easier for artists to establish a name for themselves and expand their success if, like a film auteur, people could access a comprehensive form of their body of work online?

Lee

Completely. When I was working on Untitled Feminist Show, it's all dance, so I got permission from BAM to look at their archives and watch videos of Pina Bausch and William Forsythe shows. It was kind of hard to get to the archives; you have to have special permission. Someone from the general public can't go. All these amazing shows are kind of lost to the world.

Leaneagh

It's tragic from a performing arts history perspective, that people can't get an idea of these historic shows. Would you ever consider re-staging past work for the purpose of preservation?

Lee

Absolutely, I would do it in a second. If somebody approached me, like On the Boards, who had the capacity, I would totally be willing to re-stage everything.

¹⁵ <http://blogs.walkerart.org/performingarts/2012/01/05/young-jean-lee-interview/>

Option 4 – You receive a commission to make a production from platform owners who have exclusive rights to show the performance for a set time and in set locations until it reverts to being yours

This is the model of SkyArts Ignite, or Arts Council England's The Space¹⁶ commissions for the more straightforward digitising of performances (the programmes are also to elicit new forms of storytelling and cultural experience using digital technologies). It is the lowest risk option for a cultural organisation, as costs are covered by a grant or commission, and expertise may well be on hand to support the smooth development of the project: but this option also has the lowest reward opportunities.

Examples: see The Space & SkyArts Ignite commission winners¹⁷

Cost to you: £hundreds - The creative team, cast and crew rights, your time and effort to produce the work are all covered by the investment given to you by the commissioners. The opportunity cost of writing the application is the only cost to you. However, once the content reverts to being yours, you then may take the decision to monetise it through one of the previous options all of which carry a more significant cost.

Value to you: £a few pounds per month, if that, perhaps becoming £tens of pounds in the longer run once the content reverts to being yours so that you can take advantage of a previous option

Option 5 – You make the digital production, an external platform promotes and monetises it. You get other types of value from the platform provider

In this option, you form a partnership or collaboration with a platform provider and give them your content.

They are then free to monetise it how they want. Obviously, this option is only sensible if the platform provider can provide other benefits to you that would otherwise cost you money (such as promotion on traditional TV; promotions in regions you are finding hard to reach where they have great reach; PR benefit; etc.).



Example – National Theatre of Scotland & STV collaborating on fiveminutetheatre.com¹⁸

Cost to you: £single figure thousands - The creative team, technical team, cast and crew rights, your time and effort to produce and record the production digitally, the cost of the filming of the production/technology platform for a streamed live production.

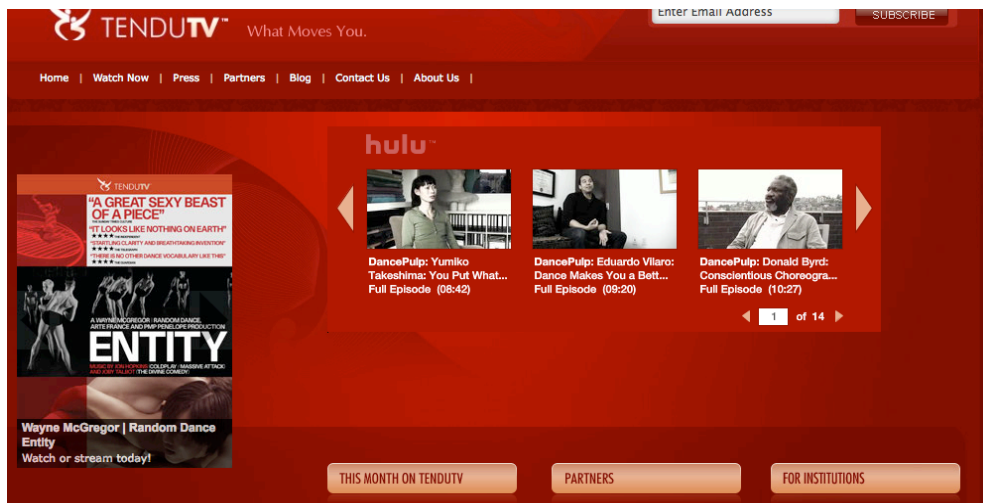
Value to you: £hundreds per month potentially, depending on the value of the other benefits the deal brings you, such as a longer-term collaborative relationship; larger

¹⁶ <http://www.thespace.org>

¹⁷ <http://www.artscouncil.org.uk/news/arts-council-news/successful-applicants-space-announced/>

¹⁸ <http://www.fiveminutetheatre.com>

audiences; etc.



Option 6 – You make the digital production, the external company stores, promotes, syndicates and monetises it, sharing profits with you

This option gives you the best of both worlds: a powerful

mix of hosting platform, promotion, syndication to other sites, and monetisation options. Tendu.tv for example host the content of dance companies, promoting on websites they have great links with, such as the Huffington Post. Tendu.tv syndicates the content to services like Hulu, Netflix, Amazon, CinemaNow and iTunes, putting your content in different places – such as connected TV and mobile markets. Your content can be experienced or bought via many different sites, but you only have to deal with one company - they deal with the rest, and you receive one payment from one company, rather than holding many complex accounts and rights arrangements with many different services. The revenue share is on a 30/70 split, but CPM rates are high, as the content is directed at niche markets, and companies such as Hulu and Netflix give advertisers more in depth information about the viewers of the content. It is in Tendu TV's interests to advertise their own channel widely – their business is licensing content.

Example – Wayne McGregor/Random Dance have used Tendu.tv to syndicate their recorded performance of Entity.

Cost to you: £single figure thousands - your time and effort to produce the film. In the case of the example of Wayne McGregor/Random Dance's film of Entity, Opus Arte produced the film and carried the cost of it, so any profit is shared with them.

Value to you: £hundreds per month, however you are asked to not place your content elsewhere online, nor monetise it yourself on any other platform.

Conclusions

This is a long tail business model. Initial costs of production are high, and it will take some time (possibly years) to recoup those costs before you begin to make a surplus income.

Consider working in collaboration with a film company, technology company or university film department to reduce the upfront costs of creating the production.

Get the creatives, cast and crew on board with the digital aspect of the production before you sign contracts with them.

Ensure that you have cleared ALL the rights - once it is online, it is out there for global viewing.

Don't make a bespoke platform! There are many great services out there that have been hard at work making their platforms work, creating licensing and payments services, developing brand awareness and eyeballs to their sites and solidifying relationships with other channels.

Choose a platform where the terms and conditions resound with your ethics; where the payments share percentages are transparent; where the payment mechanism is clear; and ensure that you have adequate access to the statistics about how well your content is doing in terms of viewer numbers, time spent viewing, countries viewed from, and any other key indicators you require.

Glossary

CPM: the online advert cost per thousand views (M=1000 in roman numerals so CPM = C=Cost P=Per M=1,000). In online advertising the advertiser pays for each 1,000 ad views, paying a higher CPM rate for the ad being shown on sites that can prove they hold the advertiser's target market through the data they gather about their users ¹⁹.

Platform (technology): a platform includes some sort of [hardware architecture](#) or virtualised version of that architecture, and a [software framework](#) (including [application frameworks](#)), where the combination allows [software](#), particularly [application software](#), to run. A user interface allows the end-user easy access to the services the platform provides.

Simulcast: simulcasting is a description of the technology that delivers NTLive! <http://ntlive.com> or the Met Opera (or recently The Traverse experimented simulcasting rehearsed new play readings - [read my case study](#)) into cinemas around the country. Simulcast uses satellite and digital broadcast systems and spectrum to deliver a live broadcast to cinemas equipped with receivers and high spec digital data projectors and screens. Simulcasting produces an exquisite aesthetic (millions of colours, 5:1 surround sound) but requires a completely different level of production and delivery for this quality to be guaranteed. It is therefore extremely costly and out of range for many cultural organizations. It is high definition, and therefore the file sizes are too big to send and receive via standard broadband connections over the internet.

Webcast: A webcast is a media file distributed over the internet using streaming media technology to distribute a single linear content source to many simultaneous listeners/viewers. A webcast may either be distributed live, or on demand. Webcasting used to be defined as "broadcasting" over the internet, but that no longer quite fits: many webcasting platforms now offer tools that encourage online audience interaction - with the live event and with other onliners. Webcasting can be described as a live stream, because the same principles and set-up are in play, but I tend to differentiate between the terms: a live stream is a simple, live, stream from a camera; a webcast is a web broadcast, curated for the online user to receive the best possible experience.

White-label product: A white label product or service is a product or service produced by one company (the producer) that other companies (the marketers) rebrand to make it appear as if they made it.

¹⁹ Source: <http://www.wikipedia.com>

Appendix 1: Guidance notes on rights to be cleared

These guidance notes were produced by Arts Council England in 2011 in relation to The Space²⁰ (<http://www.thespace.org>), but they are applicable to any organisation considering the live or on-demand publication online of their live artistic work, and so are reproduced here.

There are a variety of rights that must be bought out or licensed from:

- contributors engaged for the production (eg performers, musicians, composers, writers, artists, photographers, directors)
- owners of existing copyright in the materials that may have been used in the commission (eg existing literary, dramatic, musical or artistic works including photographs) and films or sound recordings that embody or contain these underlying works
- the arts organisation or company itself, third party producers (ie independent production companies), sub-contractors, co-producers or distributors, each of whom may have certain rights in the project (eg DVD distribution rights)
- other rights owners (eg format owners (e.g. some quiz or game shows are owned by third parties), sports rights holders)

Advice should be sought from the respective talent union (or via their representative or deputy if known to you), collecting society, or organisation representing the rights owner. These organisations will have either pre-existing terms or rights guidance for the type of use you are considering. The main organisations are listed further on in this appendix.

When considering the rights that you wish to license, it is good practice (and saves time in the long run) to be clear about these basic points:

- what copyrighted work/contribution are you using?
- where it is going to be used?
- how it is going to be used and for how long?
- will you be charging users for use in the longer term, or offering it freely? (the latter may still require payment for rights clearance)

Regarding specific use of the work online, you might also wish to consider the following questions:

- will the work be 'broadcast' (ie a simultaneous transmission of the same live or pre-recorded content to many recipients at a specific time), or 'made available' so a user can access the work at a time of their choosing?
- will it be streamed or downloadable?
- if downloadable, will the file be protected (ie Digital Rights Management applied so that,

²⁰ Source: <http://www.artscouncil.org.uk/funding/apply-for-funding/strategic-funding/thespace/>

for example, it is only available for a limited period of time)?

- will it be temporary or permanent?

Arts organisations will need to consider each work carefully and decide upon the specific rights and the duration of such rights to be cleared. Some examples of points to consider are set out below:

- you may want to show the work in your own gallery space, in this case you will need to clear 'non-theatrical' rights
- if you wish to continue to make a work available beyond a set, specific time duration to ensure a more permanent legacy it will need to clear a longer duration of rights
- if the work is a podcast then it will by definition need to be cleared for download
- user-generated content will need express clearance from the users
- if you wish the user to manipulate a copyright work, you will require express clearance from the rights owner as you will need to consider the 'moral rights' of the copyright owner (in particular their 'integrity' and paternity' rights) – advice should be sought on this issue from the appropriate rights organisation

Further advice can be sought from the following contributor organisations:

Performers

Equity (actors) - www.equity.org.uk/home/ Musician's Union (musicians) - www.musiciansunion.org.uk/ Incorporated Society of Musicians (musicians) - www.ism.org/ Phonographic Performance Ltd (PPL) (Performers in Commercial Sound Recordings) - www.ppluk.com/

Writers

Writers Guild of Great Britain - www.writersguild.org.uk/ Society of Authors - www.societyofauthors.net/ Publishers Association - www.publishers.org.uk/

Songwriters, composers and music publishers

Performing Rights Society (PRS) - www.prsformusic.com/Pages/default.aspx

Commercial sound recordings

Phonographic Performance Ltd (PPL) - www.ppluk.com/

Photographic works

British Association of Picture Libraries and Agencies (BAPLA) - www.bapla.org.uk/ - has links to most of the picture libraries through whom you need to clear photographic rights directly

Artistic works

Design and Artists Copyright Society (DACS) - www.dacs.org.uk/

Acquired film footage

Federation of Commercial and Audio Visual Libraries (FOCAL) - www.focalint.org/ Or contact the respective film library, broadcaster or owner/licensor

Directors (film and television)

Directors UK - www.directors.uk.com/

(The original version of this guidance note available at http://www.artscouncil.org.uk/media/uploads/pdf/thespace_rights_and_clearance_briefing_note.pdf)