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**REGULATORY
FRAMEWORK OF
LIVESTREAMING**



1. A CLEAR FRAMEWORK STILL NEEDS TO BE DEFINED AT NATIONAL AND INTERNATIONAL LEVELS

“The establishment of a clear legal framework around music livestreaming is absolutely necessary to allow the sector to develop. However, this can only be done if there is a consensus on the definition of the term livestream, as well as precise framework criteria (live or deferred broadcasting, period of availability of the deferred broadcast, presence or absence of an audience...). This definition would have consequences for various regulatory aspects (VAT rates on livestream ticketing, author rights, remuneration of artists...)”

Translated from «*Etude prospective sur le marché du livestream musical en France*», page 19 & 20

2. COPYRIGHTS & INTELLECTUAL PROPERTY OF LIVESTREAM EVENTS

- There are **3 possibilities of rights management**: via rights assignment for the broadcasting of the work, as in any audiovisual work; via the ticketing, as for a regular concert; remuneration via number of views
- If the livestream takes place on platforms such as **Instagram, YouTube or Facebook**, no need for author rights licenses as they are included in the rights and terms of these platforms

- In any case, it is **crucial to have all rights cleared in advance with all parties involved** for any type of exploitation of the protected work of art (online and offline)
- If the livestream is broadcasted on an independent platform, **usual author rights licenses for live music performances may not cover livestreaming**, because the online format can be experienced in several regions of the world at the same time, and you would need licenses from every national author right society where the concert takes place
- If the livestreamed concert takes place **both online and also with an audience in a physical space**, two licenses may need to be paid
- Also, it may be **another type of licensing when the concert happens and is broadcasted simultaneously**, unlike when the concert is first recorded and then broadcasted
- Cultural organisations **need support in understanding and applying General Data Protection Regulation (GDPR) rules**. While the rules are already defined and implemented, many small to medium-size organisations from the CCS do not have the means to apply them.



3. VAT ON LIVESTREAM TICKETS

- According to the VAT directive 2006/112/EC **Member States have an option to bring specific goods and services, such as culture, under a low VAT rate or exempt.** For VAT on concert tickets, low VAT rate is applied in many countries: [*see Live DMA resource*](#)
- As online performances may be considered -strictu sensu- to be an electronic service, when interpreted in such way, **the VAT rate applicable to electronic services applies, even though the production of a livestream event is very comparable to that of a regular in-situ event.** This is no different to e-publications that benefit from an equal treatment of VAT between printed and electronically available books or other publications.
- Pearle* wrote a [*statement*](#), supported by Live DMA, to ask that **VAT for tickets sold for a livestream performance be the same as the one for in-situ concerts.** The Council eventually agreed to include livestream of online or hybrid performances in the list of goods and services which could benefit from a reduced VAT rate. This will come into effect in January 2025: [*see article*](#).



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Sources:

- *Voices of Culture, 2022 (Re)-Engaging Digital Audiences in the Cultural Sectors – Improving Audience Data*
- *Sympathy for the Lawyer, 2020 Guia legal sobre conciertos en Livestreaming*
- *Pearle*, The Ultimate Cookbook for Cultural managers: Copyright Clearings for Live Events, 2021*
- *Pearle*, Position Paper: Towards an Equal Treatment of Physical and Online Performances for Low VAT Rates, March 2021*
- *Pearle*, Pearle Welcomes the Agreement on VAT Reduced Rates Now Including Livestream of Performances*
- *SACEM, Livestreams: SACEM Announces a New Remuneration Plan Specifically Dedicated to Online Concerts*

