



SEARCH

Information on live streams for SUISA members

The corona measures led to a loss of performance and earning opportunities for music creators and to a painful loss of live music for music consumers. Live streaming therefore enjoys great takes on a pertinent role in the cultural industry. Text by Michael Wohlgemuth



Music via video as a replacement for cancelled concerts: Jazz and improvisation musician Cyril Bondi played his work "We Need To Change" for the series of articles "Music for Tomorrow"; you can listen to it and watch it on the SUISAblog (Photo: screen shot video Cyril Bondi)

There are numerous possibilities to transmit live streams: The choice ranges from your own website, and social media platforms such as Youtube, Facebook, Instagram or Dailymotion, to pure live stream smaller international and national platforms are currently appearing, where music creators can register for live streaming and share any income generated via the platform.

The following guide is intended to provide SUISA members with assistance in the live streaming jungle:

Information for musicians who organise live streams themselves

Do I/we need a licence from SUISA?

Be it as a band, singer-songwriter, orchestra or choir: If you organise a live stream on your own website or social media channel and only perform music that you have written yourself and/or that is in the 70 years ago, you do not need a licence from SUISA.

But be careful: This type of "own use" or using your own music yourself, on your own web channels, is only allowed if all songs are 100% written by the performers themselves. As soon as third parties are involved it is no longer considered to be a pure type of "own use". So if there are co-authors who do not participate in the performance of the live stream, or if a publisher has a stake in the song or otherwise (performances), you need a licence from SUISA in accordance with the ["Licensing Terms and Conditions Live Streams"](#).

An exception applies to non-commercial live streams on social media platforms: These are covered by the agreements concluded by SUISA and other rights management entities with the social media platforms licensed separately. SUISA currently has agreements with Youtube and Facebook (including Instagram). SUISA is currently negotiating with Dailymotion, Vimeo and Twitch, to which the same will apply.

Non-commercial in this context means that no money is demanded for the live stream and it is not produced for a company. SUISA also considers donation campaigns whose income is entirely allocated

Livestreams from DJ sets

DJ sets contain not only compositions, but also recordings whose rights are held by the recording company or "label". Since very few DJs use exclusively self-composed and self-published music, several licenses must usually be required from SUISA (with the exception of non-commercial live streams on social media, see section "Does it require a licence from SUISA?") and the rights to the recordings played – the so-called neighbouring rights companies/labels. For DJ sets on social media, the platforms themselves are responsible for this.

The only platform currently known to SUISA that has signed contracts for DJ live streams with most major labels is Mixcloud.

The live stream of my concert or DJ set on social media was blocked: Why and how can I avoid that this happens?

The reason for content being blocked is usually the performance of third-party music and related to this the lack of a certain licence agreement of the social media platform with a rightsholder (often a label). Companies are responsible for the content on their platforms and block unlicensed content using audio recognition technologies for their own protection.

The easiest way to avoid content being blocked on social media is to mainly perform self-composed music in the case of a live concert. Due to complex legal reasons, it is recommended that cover bands perform on their own website.

DJ sets on social media platforms should be avoided if possible, unless you use your own recordings. The reason for this is that very few labels allow the live streaming of their recordings on social media due to mature audio recognition technologies and thus very quickly detect unlicensed recordings. If you leave a recording of the live stream with unlicensed music on the platform, it will be automatically blocked.

Can I earn money with my live streams?

You can earn money with your live streams in many different ways:

The simplest form is to offer the live stream against payment. On your own website, for example, you could publish the link to the live stream against payment of a fee. This payment model could also be achieved by providing the live stream only in a closed group to which the audience only gets access for a fee.

At this point in time, classic payment systems such as bank accounts, for example, which are independent of the social media platform, still have to be used. However, it is to be expected that social media will offer payment solutions with which viewers can pay directly via the platform. For example, Facebook has announced that it will enable direct payments via the Facebook Live Platform.

Other potential sources of income are, for example, advertising breaks or live stream sponsoring. Merchandising articles could also be offered as part of the live stream or voluntary donations could be collected.

Information for musicians whose live stream is carried out by an organiser

Who can be considered as the organiser or promoter?

Live stream organisers are mainly concert promoters and club companies, but also (media) companies, foundations, associations or other societies are possible.

Where can I access the live streams of these events?

On the one hand on social media, on the other hand also on own platforms, which were created especially for live streaming events. One national example is Artonair. An international example of such a platform is YouTube.

I was/we were asked for a live stream: Does the organiser have to pay me for my performance?

SUISA is basically of the opinion that engagements for live streams should be compared to engagements for concerts and that a fee is therefore appropriate. This should be regulated in an engagement agreement with the organiser.

Are the organisers also responsible for the copyright licence fees?

Yes, just as in the offline area, the organisers must take care of the copyright in the performed music. International providers need a licence from each affected rightsholder of the performed music (collective licence). SUISA is sufficient for national providers.

In this context, it is particularly important to study the general terms and conditions of the respective provider and to make sure that you do not grant the organiser any rights which you cannot or do not want to grant. If you are a member, you should take special care not to grant performing rights to the organiser, as SUISA will already take care of this for you.

Does SUISA pay a fee for my appearance in a live stream?

If a live stream has been licensed by SUISA to an organiser, the authors and publishers involved in the music can expect to receive corresponding remuneration from SUISA (less the current cost rate of the live stream) primarily on whether and how much income has been generated by the organiser. The royalties are distributed on the basis of the programme, the "set list", which the broadcaster submits to SUISA.

Further information:

As a SUISA member, do you have any legal questions or concerns in connection with live streams? Our legal department is happy to advise you on this: [legalservices \(at\) suissa \(dot\) ch](mailto:legalservices@suissa.ch)

Related articles

Penny-pinching in digital music distribution – Business in the online sector has been subject to constant change – not only for copyright societies. In the second part of the interview, SUISA CEO Andreas Wegelin reports on the challenges and provides an outlook on the scenarios that are being discussed. [Read more](#)

The revised copyright law has come into force – The coronavirus pandemic has naturally eclipsed this event. Yet the amended Federal Copyright Act came into force on 1 April 2020 after the Pirate Party failed its attempt to call a referendum. [Read more](#)

If bands and event promoters organise a concert together – The event organiser of a concert has to pay the copyright licence fee. How does it affect the legal situation, if musicians and organisers jointly run the performance? The concert organiser is responsible for paying the copyright licence fee in the case of artist engagement agreements. It occurs that events are organised by the bands themselves or in cooperation with third parties. The type of cooperation between the band and the organiser determines who has to pay the copyright licence fee. [Read more](#)