

## Aspen Music Festival and School Media Rights Policy 2010

---

The following governs the 2010 summer season with respect to media rights policies for AMFS faculty and administration.

### **Broadcast Review Committee:**

- A broadcast review committee will determine which elements of each recorded *orchestral* concert will be approved for public release. This committee will consist of:
  - 1) the Conductor
  - 2) the Guest Artist/Soloist
  - 3) one faculty member from within the performing orchestra (appointed by the Music Committee)
  - 4) Asadour Santourian, Artistic Administrator.
- If the recording to be released does not include a soloist, or if the soloist declines release, then the remaining three members of the Broadcast Review Committee will determine which elements of the remaining orchestral content will be approved for public release.
- Decisions to release orchestral recordings for broadcast must be made within 24 hours of the completed performance; to expedite this process, recordings and release forms of each concert will be delivered to committee members shortly following the performance.
- Decisions to release performances will be approved by majority vote of the Broadcast Review Committee; a split or tie decision will be resolved by the Music Director. No expectation of a formal review meeting will exist—each committee member will be able to review the concert individually or collectively as each member is available.
- Signed release approvals from the Broadcast Review Committee will be administered and retained by the General Manager via the Media Coordinator Intern.
- Once a performance has been approved for release by the Broadcast Review Committee and any other necessary parties, the content of the performance will be distributed.
- The AMFS administration will provide an audio engineer to oversee the editing and re-mastering of all concerts being considered for public release. The audio engineer will work with any member of the Broadcast Review Committee to “patch” or otherwise edit the content until such content is deemed appropriate for public release by majority vote of the Broadcast Review Committee.
- The Broadcast Review Committee will continue to function in 2010 as in 2009, and will act as artistic protection for both the performing faculty and help ensure all released AFO/ACS concerts are artistically viable. For faculty elected to the Broadcast Review Committee, AMFS will pay a flat fee of \$200 for the 8 week season. If a Broadcast Review Committee faculty member cannot fulfill 8 weeks of service, then the fee will be pro-rated and the vacant position filled by Music Committee suggestion.
- The sole purpose of the Broadcast Review Committee is to ensure that recordings of AMFS orchestral concerts meet the appropriate level of excellence for public release. Issues relating to broadcast mediums, vehicles for distribution, individual rights releases or other mechanics relating to the distribution of AMFS recordings will be addressed by other individuals or bodies.

**Aspen Music Festival and School  
Media Rights Policy 2010** (continued)  
(audio only, no orchestral video for 2010):

**2010 Orchestral Performances for Media Release:**

Four AFO concerts (performances and repertoire to be determined by May, 2010), release subject to Broadcast Review Committee approval.

Four ACS concerts (performances and repertoire to be determined by May, 2010), release subject to Broadcast Review Committee approval.

**Terms for AFO/ACS Orchestral Faculty:**

Select AFO/ACS principal faculty members will receive a \$200 flat fee *media payment* for participation in one or all of the selected 2010 orchestral concerts designated for media release. All 2010 season AMFS faculty independent contractors (IC) contracts will include a new contractual line detailing a *media payment* linked to acceptance of the IC contract in its entirety. Signing acceptance of the faculty contract will require independent contractors to accept the contract with the media component.

If the 2010 IC is one of the orchestral performers who are contracted to perform in AFO or ACS, they will receive an up-front fee (delivered in May 2010) of \$200. This fee will appear in the contract as "*Media Rights Release Payment*". For clarity: this is not a per service fee, but rather a one-time contractual payment for performance in one or all of the designated eight orchestral concerts slated for broadcast.

At least one 2010 orchestral performance will be designated as a live broadcast.

Pursuant to this media release, any and all of the 2010 AFO/ACS recordings approved for release by the Broadcast Review Committee are approved for *unlimited non-commercial use for three years* (from July 1, 2010, through August 18, 2013). This includes, without limitation, usage on the AMFS website for streaming and free downloading during this same time period. None of these usages are to be directly revenue-generating.

Any future commercial use of 2010 AFO/ACS recordings is not covered by this agreement and will be negotiated separately.

**Additional Policy Details:**

All independent contractors (faculty and guest artists) performing in ensembles *other than* AFO or ACS will be subject to content broadcast and media distribution without any payments to faculty or guest artists; however, ALL of the above must first individually approve the artistic content of the performance by signing release forms before any actual release is allowed. Release forms must be returned within a 24 hour period. Student ensembles are subject to any and all media releases without payment or consideration.

If AMFS chooses to videotape or audio tape a non-AFO/ACS orchestral concert for release as video or audio podcast to Instant Encore, APM, or another distribution platform, no additional payments to the participants will be made; however, content approval and release will still be required from participating faculty. For this type of video, AMFS will not need new language in the IC contract—we will instead create a video release form for individual completion. For clarity: any proposed videotaped events will be negotiated separately from this general agreement and will not be linked to any IC contract. Individual video releases will be prepared for concerts *other than* AFO or ACS, and participating artists will have the right of refusal.