

Fall 2019 Bands of America Educational Video Policies

Education/Rehearsal Video Camera Policies

Each participating band may designate a person and bring one video camera into Bands of America (BOA) event stadiums for the purpose of capturing a recording of that band's performance for rehearsal/critique purposes only, as Music for All will not be providing an educational copy this year. Please note that these video policies are unchanged from those put in place in 2016.

A credential issued by BOA is required to film your band's performance. One credential authorizing filming of YOUR SCHOOL'S PERFORMANCE ONLY may be obtained from Band Check-In at each BOA event. The following policies/procedures will apply:

- a. BOA will issue credentials on-site at Band Check-in. A credential will be issued to a credentialed Band Director or his/her designee. Only one credential per band will be authorized or issued.
- b. The credential issued by BOA is the property of BOA and may be revoked in any case where BOA knows or believes a holder is in violation of its policies.
- c. The credential does not provide entry into the stadium. The holder must also have either a valid ticket, Director Name Badge, Field Pass, or other credential authorizing entry (e.g. media, sponsor, facility employee, etc.) and issued by BOA. The designated person can also be a uniformed student participant.
- d. The credential authorizes the holder to bring a stationary video camera into the facility and to make a recording of the authorized holder's band only. It does not authorize any other recording. Camera should NOT be used or in a position for use other than during the credential holder's band's actual performance.
- e. The credential must be worn in a visible place at all times the holder has a video camera in use.
- f. Video of the holder's band may be shot from any place in public seating areas open to spectators *including the designated Director Viewing Area(s)*. Recording may not be made from the field, press box, or designated BOA camera positions. **Holder agrees to use best efforts to not impede the viewing/enjoyment of spectators and/or other attendees.**
- g. In requesting and accepting a credential from BOA (Music for All), the holder is representing and warranting that the video made will only be used for evaluation and teaching purposes that comply with the copyright laws of the United States, and will not be duplicated, distributed, or otherwise used or consumed in ways that violate U.S. Copyright law. In accepting the credential, the holder indemnifies

and holds harmless Music for All/Bands of America, the facility, and their respective agents for any violation or fiscal consequences resulting from misuse of the credential or violation of law.

Public NO VIDEO POLICY Maintained

BOA will continue to restrict generally and disallow any other videotaping (by participants, parents, boosters, spectators, etc.) at BOA events without specific authorization and credentials issued by BOA. Use of still cameras is permitted in the spectator seating areas and policies related thereto remain unchanged.

Live Streaming of ALL BOA shows by FloMarching

BOA will continue to offer Live Streaming of all events through our partnership with FloMarching. Go to FloMarching at <http://bit.ly/31NAiTK> for information and to subscribe. We are excited to continue this partnership to offer everyone at home a way to be part of the Bands of America experience through live streaming if they are unable to travel to the stadium.

Bands of America Commemorative Videos

Music for All will not make, issue, or sell commemorative videos or recordings of Bands of America Championship 2019 shows. Since we have discontinued offering DVDs and other commemorative videos (after the 2014 season), we have been working diligently with rights holders and others to develop channels to offer fully compliant and fiscally feasible ways to offer commemorative videos of BOA and other Music for All events. To date, we have not arrived at or been offered a mechanism that is workable, without substantial legal and financial exposure, or otherwise consistent with our mission. We continue to believe that the documentation of performances and offering them as commemoratives, teaching tools, professional development, and for use in promotion and advocacy of music and arts education and its benefits, are essential parts of our mission and vision. We will continue to seek and work with everyone involved – participants, composers, rights holders, etc. – to find legally compliant ways that do not carry undue monetary risk or legal exposure to offer video commemorative videos. Until such time, we must steer clear of undue risk and protect the organization from the threat of legal exposure.

No Educational Copies Provided

For the 2019 season, we will not offer professional educational recordings of performances to teachers. While we continue to believe offering such recordings for the limited purpose of teaching and evaluation is consistent with “fair use,” rights holders and others have communicated to us an “opposing view.” In order to balance actions and assumed risks in pursuing our mission, we have chosen to accept and abide by the interpretation of rights holders and their representatives.

Music for All has always stood for and sought compliance with all laws and regulations, including constitutional and federal law supporting the ownership of copyrighted works. Upon learning several years ago of a challenge to its processes

and procedures, MFA has diligently sought to move toward a position and reality of full compliance, including paying compensation demanded for past gaps in full compliance. To avoid further risk of exposure, we are keeping these policies from last season, AND will continue to work to find compliant and feasible means to offer educational video recordings at some point in the future, which are compliant with the law, rights, and interests of all involved.