



March 13, 2023

Dear Encore Creativity for Older Adults,

By unanimous vote, and in line with legal guidance provided by established arts and entertainment lawyers, Encore Creativity's Board of Directors has therefore decided not to contract audio and video recording services for any of Encore Creativity's regional concerts, effective immediately.

As the nation's largest, and fastest growing choral organization, Encore Creativity for Older Adults must not knowingly create and distribute (via YouTube or any like digital-media platform) audio and video recordings of performances including copyrighted content without written permission from the copyright holder(s).

Many individual users of media-sharing platforms like YouTube rely on the minimal legal protection provided by Content ID - a digital fingerprinting system developed by Google used to identify, manage, track, and monetize copyrighted content. While this system flags copyrighted content for removal, monetization, or tracking for further review, it is inconsistent, and does not guarantee the copyright holder is compensated appropriately for use of their copyrighted materials in a recorded public performance.

YouTube provides clear guidelines for legally uploading and sharing copyrighted material as follows:

"If you have a YouTube channel, you may be able to upload Content to the Service. You may use your Content to promote your business or artistic enterprise. If you choose to upload Content, you must not submit to the Service any Content that does not comply with this Agreement (including the YouTube Community Guidelines) or the law. For example, the Content you submit must not include third-party intellectual property (such as copyrighted material) unless you have permission from that party or are otherwise legally entitled to do so. You are legally responsible for the Content you submit to the Service. We may use automated systems that analyze your Content to help detect infringement and abuse, such as spam, malware, and illegal content."

We know the issue of videography is an important one to our membership. We value member input, but must emphasize this decision, a difficult one, was made because of Encore Creativity's clear legal liability. Therefore, it is final and not open to discussion.



Encore Creativity will continue to produce audio and video performance recordings for mass-chorister events in major venues like the Music Center at Strathmore and the John F. Kennedy Center for the Performing Arts. Encore Creativity will secure all legally required synchronization licenses, permissions, and releases, thus ensuring appropriate compensation for copyright holders prior to recording and subsequent distribution of performance footage to membership.

With unanimous support,

Board of Directors
Encore Creativity for Older Adults