



eleanor m. lackman quoted in *billboard*

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Eleanor M. Lackman was quoted in the article, "Licensed to Stream? Clearing Rights Can Be Tricky In the 'Wild West' Livestream Age," published by *Billboard* on April 23, 2020.

From the article...

Some of the big platforms, including YouTube and Facebook (which owns Instagram), have the necessary licenses with almost all publishers, so artists don't have to worry about what songs they perform. Other platforms don't. "You've got companies like YouTube and Facebook checking all the boxes, and there are some that say, 'What boxes?' " says a label source. Twitch, which focuses on livestreaming, although not only with music, said in a statement that it "requires users to stream content they have the necessary rights to stream — for example, music they've written or licensed." If that's not the case, rights holders can issue takedown notices under the Digital Millennium Copyright Act.

The complexity of the issues can be intimidating. If an online live performance requires a public performance license, and an on-demand stream involves both a public performance license and a mechanical license, what licenses do time-delayed live performances require? "It can be a thicket," says **Eleanor Lackman**, who handles music litigation for Mitchell Silberberg & Knupp. "There's probably a lot of infringement going on. We've had this flood of use with the stay-at-home orders, and there has to be a lot out there that isn't licensed."

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Eleanor M. Lackman

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