

THE BOB SMILEY BAND

Audio Recording and Exchange Policy

Recording

Audience taping is permitted with prior authorization at The Bob Smiley Band (hereafter referred to as TBSB) performances for non-commercial purposes only. In context with this policy, performances by individual band members of TBSB will be treated as TBSB shows. Taping policy regarding performances by band members with other artists will adhere to that artist's guidelines. When TBSB is performing at a venue and/or the venue features multiple bands, that venue's policy may supercede TBSB's taping policy. All taping is limited to audio. Audio feeds to recording device are limited to microphones only (no soundboard patches) unless otherwise arranged. No video taping or motion picture filming is permitted. A taper's ticket may be required for admission of audio equipment to a performance and may be confined to a taper section (space permitting), depending upon the ticket structure and layout of the venue. Call or see venue or TBSB web site (www.bobsmileyband.com) for information on a particular performance. Tapers' tickets are generally sold by TBSB (mail order) only. They are not available from Ticketmaster or other outlets unless specifically announced otherwise by TBSB. One (1) audio recording deck and one (1) microphone stand/set of microphones per holder of a taper's ticket (or general admission ticket in the event that a taper's ticket is not required) will be permitted into the venue. Additional equipment will not be permitted entry.

Since there are no designated tapers' tickets at general admission shows, entry to the taping section is on a "first-come, first-serve" basis. Taping will be permitted on a space-available basis regardless of ticket. When the section is full, no additional recording equipment will be allowed into the show. If you wish to tape at a general admission show you have the best chance of getting a spot in the section if you are in line to enter the building when the doors open. Gate time is always printed on each ticket

The interest of the general audience in attendance at a performance supercedes concerns regarding recording efforts. At no time should tapers ever request or require other patrons to be quiet or interfere with their participation in the show.

Duplication

All taping must be for personal use only, which may include trading (via analog or digital tape, CD, or digital file transfer). Individuals recording and/or exchanging recordings (regardless of format) acknowledge and respect the copyrights and exclusive ownership of the music and performances by the performers, writers and publishers.

Recordings may be traded only for an equivalent amount of similar media (cassettes or CDs, pre-recorded or blank). TBSB and/or the respective venue will enforce TBSB's no-vending policy to stop the sale of unauthorized merchandise bearing TBSB's trademarks, copyrights and performances at shows. CDs or tapes being displayed will be presumed for sale, not trade. Like other items bearing TBSB's intellectual property, TBSB tapes, CDs, videos or other media may not be displayed or distributed at or around concert venues, and may be subject to seizure. No money may ever be exchanged as part of a trade. Stamped, self-addressed envelopes may be included with blank media. The means by which audio trading is publicized may not be commercialized. There can be no acceptance of advertising, offering of links for compensation, exploitation of databases compiled from their traffic, or otherwise benefit from commercial profit in any form by media attracting traffic through the promotion of audio trading. This would include, but not be limited to newsletters, web sites, clubs, or any other communication forum facilitating audio trading. Any form of businesses may not offer to duplicate TBSB media for customers or sell or otherwise provide media containing unreleased TBSB music for any price. A statement of compliance with this policy must be clearly posted on all web sites engaged in trading activity.

If a particular TBSB performance is made available for sale by TBSB or its assigns (via physical media such as CD, or via digital download), this "official" version will take precedence over amateur recordings being offered for download. In these instances, we require that digital audio repositories remove any recording of these particular performances from their collections within 3 days of the official release or 3 days of TBSB announcing the intention to release, whichever is earlier. TBSB reserves the right to require immediate removal of any unreleased TBSB material. It is the responsibility of the site host to remain informed of the TBSB's officially released recordings and to maintain their site accordingly. In no case may any officially released TBSB recording (live or studio) be duplicated or otherwise traded or offered. Broadcast of unreleased TBSB recordings via radio or online is permissible only if it conforms to all the guidelines applicable to other forms of duplication.

Audience taping at TBSB concerts is authorized for non-commercial purposes only. Unauthorized sale, duplication and/or distribution are prohibited. All TBSB performances and recordings are and remain the exclusive property of TBSB. All rights reserved. The rights to record TBSB performances set forth in this policy constitute an express, revocable license. We reserve the right to withdraw our authorization of recording, tape trading, and/or non-commercial digital audio file transfers on a case specific basis or in general, as we deem necessary. No waiver of any copyright or trademark right is intended.

Those violating any aspect of the above policy will be removed from the venue and unauthorized recordings will be confiscated and retained. If you are aware of any person or site in violation of this policy, please contact us.

For questions or information regarding audio recording, recording exchange or TBSB performance policies or issues, please contact us at:

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