DEPOSITORY AGREEMENT BETWEEN
WISCONSIN CENTER FOR FILM AND THEATER
and
LA MAMA EXPERIMENTAL THEATRE CLUB

Introduction.
This Memorandum of Agreement is designed to set out the terms of a collaboration between The Wisconsin Center for Film and Theater Research (WCFTR) and the La MaMa Experimental Theatre Club (La MaMa) – a collaboration designed to support the digital preservation of a portion of La MaMa’s historic video collection. The contents of this portion of materials (the Video Sub-collection) is described in Appendix A, attached. The purpose of this Agreement is to clearly identify the roles and responsibilities of each party as they relate to this collaboration.

The spirit of this agreement is one of free and open exchange and mutual interest in ensuring that materials documenting the history of La MaMa, and the Off-Off Broadway theatre movement more generally, remain available to scholars, educators, artists, and the interested public into the future.

About WCFTR
The Wisconsin Center for Film and Theater Research is a joint program of the University of Wisconsin-Madison and the Wisconsin Historical Society. The Center is jointly administered by the Communication Arts Department of the University and the Archives Division of the Historical Society. The purpose of the Center is twofold. First, the Center maintains a research collection of manuscripts, moving images, sound recordings, and photographs and other graphic materials concentrating primarily on American film, broadcasting, and theater history. Second, the Center works with the Historical Society, and other appropriate bodies to promote public events that foster understanding of the history and culture of film, theater, and television. The Center serves researchers, students, faculty, staff, and administrators of the University of Wisconsin-Madison, the Wisconsin Historical Society, and other institutions, and all interested members of the public. The Center’s activities include appraisal and acquisition, accessioning, arrangement and description, cataloging, preservation, reference services, and public programming.

About La MaMa
La MaMa Experimental Theatre Club is dedicated to the artist and all aspects of the theatre. The organization has a worldwide reputation for producing daring performance works that defy form and transcend barriers of ethnic and cultural identity. Founded in 1961 by theatre pioneer Ellen Stewart (recipient of a 1985 MacArthur Foundation Fellowship), La MaMa has presented more than 5,000 productions by 150,000 artists from more than 70 nations. A recipient of more than 30 Obie Awards and dozens of Drama Desk, Critic’s Circle, American Theatre Wing, and Bessie Awards, La MaMa has helped launch the careers of countless artists, many of whom have made and continue to make important contributions to American and international arts milieus. Tony award-winning playwright and actor Harvey Fierstein once said that “80% of what is now considered American theater originated at La MaMa.”

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La MaMa’s Archives documents the work of La MaMa and promotes inquiry into the history of Off-Off-Broadway theatre. Conserved by people immersed in the theatre, La MaMa’s collections offer an intimate perspective on major social, aesthetic and political events of the past five decades. Its collections include posters, programs, flyers, correspondence, books, scripts, photographic materials, costumes, puppets, and film and video materials. Scholars and educators look to La MaMa’s Archives as an essential resource for information about the history of the American theatre and 20th century history. Among these, critic and scholar Alisa Solomon has called La MaMa’s archival collections “crucial” for anyone who wishes to understand the history of “American theatre [or] New York City.”

The Opportunity

Among the materials housed in La MaMa’s Archives is a remarkable collection of audiovisual materials documenting the history of the off-off Broadway theatre movement and the communities that created it. Much of this documentation is held on magnetic media – videotape on at-risk and obsolete formats, including half-inch open reel and VHS. In a few cases, digital transfers have been created from the videotape masters; but no preservation-level copy has ever been made of the vast majority of items in this rare and valuable collection. Over the past several years, La MaMa has launched a set of fundraising and digitization pilot projects designed to support the creation of preservation-level digital copies of its most vulnerable and valuable audiovisual materials. In 2017, La MaMa received a grant from the National Historic Publications and Records Commission (NHPRC) to support the work of digitizing, preserving, and expanding access to its collection of half-inch open reels, which comprises 256 items in total.

La MaMa does not have the means or capacity, on-site, to store 250+ hours of digitized video in a way that supports long-term preservation of these digital objects. As a result, La MaMa and the WCFTR have formed a preservation and access collaboration. For La MaMa, this collaboration represents an opportunity to ensure long-term preservation and access to documentation of its rich history without ceding control of the original materials to another institution. Once digitized, La MaMa will retain possession of the physical video reels, as well as ongoing access to and control over the intellectual content of the digital video materials.

For WCFTR, this collaboration represents an opportunity to ensure the long-term preservation, encourage historical studies, and improve access to resources for theater research. This is a collecting area the WCFTR has focused on since its inception in 1960. Further, it allows WCFTR to strengthen relationships with outside collecting organizations and leverage resources for the benefit of endangered audiovisual collections.

PROJECT OVERVIEW

1. Staff of the Archives of La MaMa will work with Bay Area Video Coalition (BAVC) to create digital copies of its half-inch open reel collection. (The technical specifications of these files are included in Appendix B, attached.)
2. BAVC will return original videotapes, along with a full set of access-level files (and related metadata in spreadsheet format) to the Archives of La MaMa. La MaMa will retain physical possession of the original video reels, and will retain possession of a set of access-level digital derivatives, which it will make available to researchers.

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3. BAVC will deliver a full set of both preservation-level and access files to the staff of WCFTR (and related metadata in spreadsheet format). WCFTR will make these materials available to researchers, according to the terms outlined in the Access and Specific Roles and Responsibilities sections below.

4. Staff of WCFTR will ingest the preservation-level files into WCFTR’s digital preservation infrastructure, and will ensure the long-term preservation of these files for the duration of this agreement.

**TITLE TO MATERIALS**

Title to all collections deposited or transferred under this agreement shall remain with La MaMa Experimental Theatre Club.

**ACCESS**

Research access to digital video files covered under the agreement will be primarily provided by La MaMa in New York City. Additionally, WCFTR will provide on-site access in its reading room in Madison, WI, and the collection metadata will be cataloged in the University of Wisconsin-Madison’s library database. All requests for re-use or exhibition of any material in the collection will be directed to staff of La MaMa which shall have decision-making authority. Researchers in the WCFTR will be permitted to view these videos on-site only, and will not be allowed to receive personal copies of any files covered under the agreement.

Re-use of these materials must take into account the provisions of copyright and literary rights. Re-use of A/V materials documenting live performances require consideration of two sets of rights: 1) rights to the recording itself and 2) rights to the underlying works or performances. Each of the video objects in La MaMa’s half-inch open reel collection was produced for La MaMa as a work-for-hire; thus, La MaMa holds the rights to the recordings. But La MaMa does not always hold rights to the works or the performances depicted thereupon. Therefore, before using or publicly displaying these materials, users must take copyright concerns into consideration. Researchers wishing to use these materials are responsible for obtaining permission from the copyright holder(s), where required, and for addressing any additional issues of privacy and publicity rights.

When preservation files are requested for re-use by La MaMa, whether originating internally or from an outside request, WCFTR will provide preservation files to La MaMa within a 30-day timeframe. La MaMa agrees to limit the frequency of requests for access to the preservation masters held at WCFTR, as too many of these sorts of requests will put an unsustainable strain on WCFTR staff. La MaMa will be responsible for storing any production or mezzanine-level files that are created from this process, and for monitoring the proper use of the released files.

**SPECIFIC ROLES AND RESPONSIBILITIES**

WCFTR agrees:
To ensure the preservation of La MaMa’s video materials within its digital preservation infrastructure for the duration of this agreement.

To provide preservation copies to LaMaMa for the purposes of exhibition and re-use as

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requested, within reasonable limits. LaMaMa will be responsible for providing a means for delivery, and delivery of files will be completed within 30 days.

To provide access to all researchers in the WCFTR reading room who complete the registration requirements without regard to purpose of use or affiliation.

To provide clear guidelines to any researchers requesting access regarding copyright terms and conditions for re-use of material and to refer any re-use requests to LaMaMa staff.

To provide an annual report based on reference and use of the collection to LaMaMa.

To seek approval from LaMaMa prior to any public exhibition of materials.

La MaMa agrees:
To ensure that BAVC delivers preservation and access files to WCFTR according to the timeline and terms of this agreement.

To provide content metadata for digital video for use in WCFTR catalog records.

To provide the primary means of access to video materials for researchers, including any requests for remote access, within a reasonable time frame.

To store original analog videotapes on site in safe and secure storage.

To preserve to its best ability access-quality copies of all video files.

To manage and respond to outside queries on copyright, access, reuse, and exhibition of materials in the collection within a reasonable time frame.

To respond to research requests routed from WCFTR for re-use or exhibition of materials within a reasonable time frame.

To limit and/or consolidate requests for access to preservation files for purposes of exhibition or re-use to a quarterly basis.

TERMS of COLLABORATION

Communication.
Mia Yoo, Artistic Director, La MaMa: mia@lamama.org, mia@lamama.org, miabyoo@hotmail.com
Mary fulham, Managing Director, La MaMa, mary@lamama.org, mary.fulham@gmail.com
Ozzie Rodriguez, Director of La MaMa Archives: ozzie@lamama.org, archives@lamama.org
Rachel Mattson, Digital & Special Projects Manager, La MaMa’s Archives
Jeff Smith, Director, WCFTR: jpsmith8@wisc.edu
Mary Huelsbeck, Assistant Director, WCFTR: huelsbeck@wisc.edu
Amy Sloper, Head Archivist, WCFTR: ajsloper@wisc.edu, askmovies@wisconsinhistory.org

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**Compensation.** La MaMa will give WCFTR a one-time payment of $7,000 to cover the initial costs of ingest and set-up. No further payments will be required with regard to these video files.

**Liability.** In the event of damage to digital preservation files held at WCFTR, WCFTR will not be held financially responsible for replacement.

**Duration.** This MOU describes the terms governing the collaboration between La MaMa and WCFTR with respect to the collection of digitized files derived from approximately 256 video reels in 2017-2019. In the future, La MaMa and WCFTR may choose to enter into similar agreements with regard to additional video materials; for any such subsequent project, a separate MOU will be created.

The term of this agreement is 10 (ten) years from the date of signing and will automatically renew in 10-year increments unless terminated or otherwise modified by the parties. During the 90-day period prior to the end of any 10-year term, the parties will review the agreement. The agreement may only be amended by written mutual agreement of the parties.

Either party may terminate this agreement by providing one-year notice in writing to the other party. In the event of termination of this agreement, custody of all material deposited to WCFTR shall return to La MaMa with La Mama responsible for the arrangements and cost of the delivery of said materials to La MaMa. WCFTR’s only role will be to coordinate the file transfer.

Date Mary Fulham
Managing Director, La MaMa Experimental Theatre Club

Date Ozzie Rodriguez
Director of Archives, La MaMa Experimental Theatre Club

Date Jeff Smith
Director, Wisconsin Center for Film and Theater Research

Date Dan Langer
Business Services, University of Wisconsin-Madison

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