

ENTERTAINMENT LAW COURSE SYLLABUS

COURSE NUMBER: Comm 433/Theatre 463

Text: Entertainment Law by Jeffery A. Helewitz and Leah K. Edwards
Copyright ©2004 by Delmar Learning

Semester: Summer 2006

Date & Time: MTWTh – 9:00 am – 12:00 pm

Instructor: John S. Zarbano, J.D. M.A. B.A.
Office – ACW 120 (Professor Merlaine Angwall’s office) – Office Hours:
12:15 – 1:15 M-Th, or by appointment: Telephone number: 920.235.2415; email:
zarbanoj@uwosh.edu

Liberal Arts Statement; From the College of Letters and Science web page:

A liberal arts education transcends preparation for specific careers. A liberal arts education prepares students to be responsible citizens who understand and contribute to the changing world in which they live. It exposes students to a broad spectrum of knowledge about the human experience and the natural world, from contemporary science to literature, music and art. It enhances the skills of communication and critical thinking. It challenges students to appreciate their cultural heritage, to be sensitive to diverse traditions and opinions and to value truth. It encourages students to develop a lifelong commitment to inquiry. In sum, a liberal arts education develops the whole person who values knowledge for its own sake as well as for the achievement of specific objectives.

Course Description:

Entertainment Law provides a broad overview of law relating to the entertainment industries and the arts; it exposes students to basic legal principles inherent in radio, television, motion pictures, theatre, fine arts, and music publishing and recording, such as First Amendment right of free speech and the penumbral rights of privacy and publicity; federal regulation of intellectual property such as copyrights, trademarks, and trade names, and the transfer of such intellectual property rights; federal regulation of radio and television industries. Various industry contracts, such as Actor’s Equity, Screen Actors’ Guild – Producer, literary and music publishing contracts, etc., and industry business organizations will be examined.

Course Objectives:

- Students should learn basic legal principles regarding intellectual property, rights of personality and identity, and types of industry business organizations.
- Students should improve their analytical abilities to perceive and evaluate legal issues and concepts.
- Students should learn the manner in which to protect copyright on original works.
- Students should improve their negotiating abilities in protecting and acquiring intellectual property rights.

Course Schedule: Please note that this schedule may change without notice.

June 12

Course Introduction. Lecture and discussion on constitutional issues on topics of Right to Privacy, Right to Publicity, Defamation, and Obscenity. Assign Chapter 1 of the text, “Constitutional Considerations”, pages 1 – 27, with exercises.

June 13

Continuation of lecture and discussion on constitutional issues. Assign Chapter 2 of the text, “Federal Regulation of Intellectual Property”, pages 29 – 52, with exercises.

June 14

Lecture and discussion on statutory issues on copyrights, and ownership/transfer of copyrights and the topics of: idea versus expression, idea submission, and negotiated acquisition. Lecture and discussion on trademarks trade names and antitrust issues.

June 15

Test over constitutional issues and copyright issues. Mock registration of copyright through the US Copyright Office and/or mock registration of trademark through the US Patent and Trademark Office. Assign Chapter 4 of the text, “Television”, pages 121 –144 and Chapter 3 of the text regarding contracts, pages 67 – 76, with exercises.

June 19

Lecture and discussion on topics of the Federal Communications Commission, the Communications Act of 1934, Distribution Regulation, Program Regulation, and television contracts. Assign Chapter 5 of the text, “Film”, pages 145 – 161 with exercises

June 20

Lecture and discussion on the topics of: acquisition of property rights for motion pictures, producing films through the studio model and the independent model, and distribution of films. Assign Chapter 5 of the text, “Film”, pages 162 – 230.

June 21

Continuation of lecture and discussion on producing films and contractual terms. Assign Chapter 6 of the text, “Live Stage Performances”, pages 231 – 247 with exercises.

June 22

Test over issues in film and television.

Mock Negotiation of Screen Actors’ Guild Producer Interactive Media Agreement.

June 26

Lecture and discussion on topics of theatre: Actors Equity and Equity contracts, production contracts and copyright consideration regarding public performance, reproduction, adaptation, and royalties. Assign Chapter 7 of the text, “Recording and Music Publishing”, pages 249 – 278, with exercises.

June 27,

Lecture and discussion on topics of music publishing: principal types of agreements, including songwriter, administration, collection, and management agreements; business relationships including agents, accountants, and business managers. Also, topics of performing rights including blanket licensing and split licensing, specific copyright applications for musicians, and record industry contacts. Assign Chapter 8 of the text, “Publishing”, pages 279 – 307, with exercises.

June 28

Lecture and discussion on topics of: literary publishing and publisher-author contract, photographers and visual artists, and electronic publishing. Assign Chapter 10 of the text, “Entertainment Law and Cyberspace”, pages 341 – 370, with exercises.

June 29

Test over issues of theatre, music publishing and recording, and literary publishing.
Mock Negotiation of publishing agreement.

July 3

Lecture and discussion on topics of the Internet with its effect on copyright and trademark, international protections, and cyberlaw jurisdiction. Guest speaker: Richard Kalinoski; Review of *The McGraw-Hill Companies, Inc. et al. v. Google, Inc, Case # 05CV8881 (USDC SDNY)* and the Fair Use Doctrine. Assign Chapter 3 of the text, “Legal Structures of the Entertainment Industry”, pages 53 – 119, with exercises.

July 5

Lecture and discussion on the various business organizations: sole proprietorship, general partnership, limited partnership, limited liability company, and corporation.

July 6

Reserved for Catch-up, Review, and Questions

July 7

Test over issues of Internet and industry business organizations.
Course Wrap-up.

Course Requirements:

Students are assessed on the following requirements:

1. Prompt attendance and prepared attendance are required unless absence is justified or excused. In-class participation carries a total point value of 80 points.
2. Four tests, each of which carries a point value of 105 points.
3. Optional extra credit for a maximum of 25 points including but not limited to student self-evaluation.

The total points for the class equals 500 and the grading scale is based on a “percentage of points” system, which translates to letter grades as follows:

A	93% to 100%
AB	Less than 93% to 87%
B	Less than 87% to 83%
BC	Less than 83% to 77%
C	Less than 77% to 70%
CD	Less than 70% to 67%
D	Less than 67% to 60%
F	Less than 60%