

Law 276
MUSIC ENTERTAINMENT LAW
Syllabus

Elliot Cahn, Esq.

(510) 652-1615

cahnman@aol.com

David M. Given, Esq.

(415) 398-0900

dmg@phillaw.com

Office Hours: By appointment arranged via e-mail

Course Description: This course will examine various business and legal aspects of the music industry, with a primary focus on issues raised by the digital (r)evolution. The course will be organized around three principal data-points: the rise and formation of the recorded music industry and its traditional business models; the impact of the digital (r)evolution; and new and emerging business models and their consequences to constituencies, be they artist, songwriter, record label or consumer. These data-points will also be considered in the broader context of digital distribution's threat (and promise) to other "content" industries. The course will also include in-depth case files, and the occasional guest speaker.

Informal Prerequisite: A working knowledge of basic copyright and trademark law will be presumed. Thus, Introduction to Intellectual Property should be taken either prior to or concurrently with this course.

Course Meeting Times: Students will receive one (1) credit for this course. The class is scheduled to meet every other Thursday from 6:25 p.m. to 8:20 p.m. in Room 244.

Required Reading:

- Case files and supplemental handouts.
- Passman, *Everything You Need to Know About the Music Business*, 7th ed. (Free Press 2009).
- McLeod & Dieola, *Creative License – The Law and Culture of Digital Sampling* (Duke University Press 2011).
- Knopper, *Appetite for Self-Destruction – The Spectacular Crash of the Recording Industry in the Digital Age* (Free Press 2009).

Law 276
MUSIC ENTERTAINMENT LAW
Syllabus

Preparation for Class: Readings will be assigned for each class session. Some of those sessions will explore detailed case files. A typical case file includes an assignment memo describing the project and the student's role (e.g., representing one side or the other in a negotiation or lawsuit), primary documents (such as contracts, complaints, etc.), legal documents (statute provisions, cases), secondary legal documents (e.g., memos, treatise excerpts, law review articles), and institutional/dealmaking materials (e.g., descriptions of important institutions (e.g., ASCAP, Harry Fox), deal points in particular fields). Students will be assigned responsibility to prepare a short memo (five pages) on one such project during the course of the semester. The memos will be due by 10:00 a.m. on the day that the case file will be discussed in class. Students who prepare these memos should be prepared to present their analysis to the class. The memos should be e-mailed as Word, WordPerfect or PDF attachments to both instructors and include the following subject line: "IP in Entertainment Industries: <name of case file>."

Grading: Grading is based on satisfactory completion of the assigned case file memo, class participation, and a 24 hour take-home examination. The exam will be modeled after the case files covered during the semester. Performance on the case file memo completed during the semester and class participation will be used to determine grades near the P/H and H/HH borderlines. HH will awarded to the students who have excelled in all three areas.

Date	Topic	Readings
R Jan 12	Course Overview	
I. The Rise of the Recorded Music Industry		
R Jan 12	Introduction: A Brief History of the Recorded Music Industry	
R Jan 12	Traditional Business Models: Players, Deals and Distribution Platforms	Passman, pp. 61-118 & 205-297 Excerpts from Goldman, <i>The Lives of John Lennon</i> (Morrow & Co. 1988)
R Jan 26	Introduction to Talent Representation	Passman, pp. 11-60

Law 276
MUSIC ENTERTAINMENT LAW
Syllabus

Date	Topic	Readings
R Jan 26	Legal and Ethical Issues in Representing Talent in the Music Industry	Case File: Stella I
II. The Digital “Revolution”		
R Feb 9	The Meaning of <i>A&M Records v. Napster</i> and the Rise of Digital Distribution – Balancing Challenge with Opportunity Guest Speakers: Milt Olin, Esq. [TBA]	Knopper, pp. 113-228 Excerpts from Issacson, <i>Steve Jobs</i> (Simon & Schuster 2011)
III. New and Emerging Business Models		
R Mar 8	Dividing the Digital Music Pie Guest Speakers: Jonathan Earp, Esq.	Knopper, pp. 229-251 Hearn, <i>Digital Downloads and Streaming: Copyright and Distribution Issues</i> (available at www.internetmedialaw.com) Case File: Stella II or III [TBA]
R Mar 22	Revisiting Copyright Infringement – Safe Harbors, Fair Use, SOPA, etc.	[TBA]
R Mar 22	Termination of Transfers of Sound Recording Copyrights – The Final Nail?	Case File: Blondie
R Apr 5	Reconceiving the Artist as Brand – Building a Business for the Digital Age Guest Speaker: Jeff Jampol	Pizza & Beer