

Law 278.7
IP IN THE ENTERTAINMENT INDUSTRIES
Syllabus

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Course Description: This course will examine copyright and other aspects of intellectual property relating to film, television, music, and multimedia in industrial context. Each industry will be examined from a variety of perspectives, detailing the business, legal, social, and ethical issues encountered by practitioners as well as the policy issues raised by the digital revolution. The course will be organized around six principal areas: acquisition of intellectual property rights; representation of talent; project planning, dealmaking, and production in the motion picture and television industries; the traditional music industry; the digital revolution; and multi and new media projects. The course will be taught predominantly through a series of in-depth case files. There will also be a day-long visit to Warner Brothers Studios for a tour and meetings with studio lawyers and a visit to Lucasfilm's Presidio facility.

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 3 credits for this course. The class is scheduled to meet on Tuesday afternoons from 3:20 pm - 6:00 pm in room 14. In lieu of the day long trip to Warner Brothers and the half day trip to Lucasfilm, we will not meet every week. There may be also be several special lunch presentations during the semester.

Required Reading:

- Case Files and supplemental handouts

Preparation for Class: Most of the class sessions will explore detailed "case files." The remaining classes will discuss more general reading packets (cases, articles, and related materials). A typical case file includes an assignment memo describing the project and the

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student's role (e.g., representing a studio or talent), primary documents (such as contracts, scripts, complaints), 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 5 - 10 page memos on four projects during the course of the semester. The memos will be due by 10 am on the day that the case file will be discussed in class (or, in the case of Enwronged III, by 10 am on the day before the visit to Warner Brothers). Students who prepare these memos should be prepared to present their analysis to the class. They should be e-mailed as Word, WordPerfect, Excel, or PDF attachments to lizzy.levin@gmail.com, pmenell@law.berkeley.edu, and jzahgkuni@law.berkeley.edu 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 memos, 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 memos 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
T Jan 13	Course Overview	
I. Entertainment Inputs and Rights Acquisition		
T Jan 13	Introduction: A Functional Analysis of Content Industries	
T Jan 13	Copyright: Protection and Limiting Doctrines	Case File: Enwronged I
T Jan 20	Idea Protection Guest: Jonathan Stern, Red Bull - Entertainment and Media Attorney	Case File: Young Associates
T Jan 27	Copyright: Formalities (including duration and renewal) Guest: David Nimmer, Irell & Manella	Case File: It's a Wonderful Life I

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Date	Topic	Readings
	Copyright: Transfer, Reversion of Rights, Termination of Transfers, the Derivative Work Exception Guest: David Nimmer, Irell & Manella	Case File: It's a Wonderful Life II
T Feb 3	Copyright: Infringement Analysis, and Fair Use Guest: Jeannine Tang, O'Melveny & Myers	Case Files: James Bob Seinfeld Cookbook I
II. Representing Talent		
T Feb 10	Representing Talent in the Music Industry Guests: <ul style="list-style-type: none"> • David Given, Phillips, Erlewine & Given • Elliot Cahn, (music attorney and manager, former manager for Green Day) • Eli Miller, (lead singer, songwriter, guitarist, Zox) 	Case File - Stella I
T Feb 17	Right of Publicity Guest: Jonathan Stern, Red Bull - Entertainment and Media Attorney	Case File: LTG
T Feb 24 12:30 - 1:45 pm	Celebrity Litigation and Entertainment Law Practice Guest: Larry Stein, Stein & Kahan LLP	
T Feb 24	Defamation/Privacy Guest: Larry Stein, Stein & Kahan LLP	Case File: Eve Commonwealth Seinfeld Cookbook II

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Date	Topic	Readings
T Mar 3	Music Copyright Dividing the Music Pie Guest Speakers: <ul style="list-style-type: none"> • David Given, Phillips, Erlewine & Given • Elliot Cahn, (former manager for Green Day) • Marc Avsec, Benesch, Friedlander, Coplan & Aronoff LLP (songwriter, member of Wild Cherry (“Play that Funky Music, White Boy”), founding member, Donnie Iris and the Cruisers) • Eli Miller, (lead singer, songwriter, guitarist, Zox) 	Case File - Rubinoos/Avril Lavigne Case File - Stella II Supplemental Readings on changes in the music business
III. Project Planning, Dealmaking, and Production in the Motion Picture and Television Industries		
T Mar 10	The Movie Deal Guest Speaker: tba	Case File: Enwronged II
F Mar 13	Visit to Warner Brothers	
	Production: Rights Clearance	Case File: Enwronged III
T Mar 17	Television Production: from Sitcoms to Reality TV Screening of The TV Set (2006, starring David Duchovny and Sigourney Weaver; directed by Jake Kasdan) followed by panel discussion of television dealmaking and production today – <ul style="list-style-type: none"> • Jay Cooper (attorney for Jerry Seinfeld) • Sam Rogoway, Hansen, Jacobson, Teller, Hoberman, Newman, Warren & Richman 	

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Date	Topic	Readings
week of March 23	Spring Break	
T Mar 31	no class session	
T Apr 7	no class session	
IV. The Digital Revolution		
T Apr 14	User Generated Content Guests: tba	tba
T Apr 21 Field Trip to Lucasfilm	Fan Fiction Guest Speaker: • David Anderman, Director of Corporate and Business Affairs, Lucasfilm	Case File: Seinfeldlivesforever.com
T Apr 28 dinner - Professor Menell's home	Copyright Enforcement in the Digital Age	tba