

Law 278.7
IP IN THE ENTERTAINMENT INDUSTRIES
Syllabus

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Course Description: This course will examine copyright and other legal issues 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.

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 evenings from 5:20 pm - 8:00 pm in room 13. Due to the day long trip to Warner Brothers, we will not meet every week. There may be several special lunch presentations during the semester.

Required Reading:

- Case Files and supplemental handouts

Course Web-Site: http://www.law.berkeley.edu/institutes/bclt/students/2008_spring_ent_ind.htm

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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 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 jmmarques@gmail.com, pmenell@law.berkeley.edu, jstern@dskillp.com, and jzhagkuni@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 15	Course Overview	
I. Entertainment Inputs and Rights Acquisition		
T Jan 15	Introduction: A Functional Analysis of Content Industries	
T Jan 15	Advanced Copyright: Protection and Limiting Doctrines	Case File: Enwronged I
T Jan 22	Advanced Copyright: Formalities (including duration and renewal) Guest: David Nimmer	Case File: It’s a Wonderful Life I

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Date	Topic	Readings
	Advanced Copyright: Transfer, Reversion of Rights, Termination of Transfers, the Derivative Work Exception Guest: David Nimmer	Case File: It's a Wonderful Life II
T Jan 29	Idea Protection	Case File: Young Associates
T Feb 5	Advanced Copyright: Infringement and Fair Use	Case File: James Bob
II. Representing Talent and the Music Industry		
T Feb 12	Representing Talent Guests: <ul style="list-style-type: none"> • David Given, Phillips, Erlewine & Given • Elliot Cahn, (former manager for Green Day) 	Case File - Stella I
T Feb 19	Right of Publicity	Case File: LTG
T Feb 26 12:30 - 1:45 pm	Celebrity Litigation and Entertainment Law Practice Guest: Larry Stein, Dreier Stein & Kahan LLP	
T Feb 26	Defamation/Privacy Guest: Larry Stein, Dreier Stein & Kahan LLP	Case File: Eve Commonwealth

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Date	Topic	Readings
T Mar 4	Dividing the Music Pie Guest Speakers: <ul style="list-style-type: none"> • David Given, Phillips, Erlewine & Given • Elliot Cahn, (former manager for Green Day) • Gary Rinkerman, Baker Hostetler • 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, member, The James Gang) 	Case File - Stella II Supplemental Readings on changes in the music business: <ul style="list-style-type: none"> - Do-It-Yourself - WalMart-Eagles Deal - Radiohead - Madonna - 360 Deal - Ingrid Michaelson (Billboard cover; unsigned artist; promotion team; Old Navy Ad; songs featured on Grey’s Anatomy)
III. Project Planning, Dealmaking, and Production in the Motion Picture and Television Industries		
T Mar 11	The Movie Deal	Case File: Enwronged II
F Mar 14	Visit to Warner Brothers	
	Production: Rights Clearance	Case File: Enwronged III
T Mar 18	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 	
week of March 24	Spring Break	
T Apr 1	no class session	

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Date	Topic	Readings
T Apr 8	The Future of Television Panel <ul style="list-style-type: none"> • Rita Tuzon, Executive Vice President, Business and Legal Affairs and General Counsel, Fox Cable Networks • TBA • TBA 	
T Apr 15	no class session	
T Apr 22	no class session	
T Apr 29	Fan Fiction Guest Speaker: <ul style="list-style-type: none"> • David Anderman, Director of Corporate and Business Affairs, Lucasfilm 	Seinfeldlivesforever.com