

ENTERTAINMENT LAW

Spring 2020/Course # 6377

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LOCATION: BLB 003

CLASS HOURS: Mondays & Wednesdays, 6:00-7:30pm

A. *ABOUT THE COURSE*

The course will focus on the constitutional, statutory, and common law framework of entertainment law and the practical implications for lawyers. With the Constitution as our North Star, we will explore the wide body of law that governs the world of entertainment; including copyrights, trademarks, contracts, and tort law, analyzing their impact on the business and legal affairs of recording artists, record companies, publishers, digital and terrestrial radio and television broadcasting, and the motion picture industry.

The goal will be not only to provide you with a comprehensive insight into this unique field, but also to prepare you to represent clients with entertainment law related issues, be they transactional or litigation-oriented. Intellectual property is fundamental to an understanding of entertainment law, so please be prepared to spend lots of time on Copyright and Trademark Law. **Please take the time to read the course schedule—the reading load will be non-wimpy, but essential and hopefully interesting.**

B. *REQUIRED TEXT*

Paul C. Weiler, Gary Myers, & William W. Berry, III, *Entertainment, Media, And The Law* (West Academic 5th ed. 2015). ISBN-13: 978-1634598835; ISBN-10: 1634598830. **PLEASE DO NOT BUY THE SUPPLEMENT AS ADDITIONAL READING MATERIALS HAVE BEEN ADDED TO THE SYLLABUS AND OTHER MATERIALS WILL BE ADDED AS NEEDED.**

C. *YOUR GRADE*

Your course grade is determined by a standard law school, open-book final exam with short-answer and long-form essay questions—including true/false questions which ask that you explain your answer—in conjunction with multiple-choice questions. The exam counts for 90% of your grade. The remaining 10% of your grade is based on class participation. While we will enforce attendance to the extent required by the school, we teach the class for your benefit, so your failure to attend and participate will be your loss.

D. *OFFICE HOURS*

The professors are typically available before or after class to respond to questions or provide clarification on the materials presented. Additional meetings are available by appointment. Students are encouraged to communicate directly with the professors through their provided email addresses if additional help or discussion is necessary.

E. CAPS

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demand of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling (713) 743-5454 during and after business hours for routine appointments, or if you or someone you know is in crisis. No appointment is necessary for the “Let’s Talk” program, a drop-in consultation service at convenient locations and hours around campus (www.uh.edu/caps/outreach/lets_talk.html).

F. READING SCHEDULE

Class Dates	Weiler Myers & Berry Pages
Class 1	Read: 33-42 — OBSCENITY & SKYWALKER Skim: 1-33, 42-56
Class 2	Read: 56-65, 71-82 — GEORGE CARLIN/ <i>FCC v. FOX</i> (WEB)
Class 3	Read: 149-174 — DEFAMATION & PRIVACY; <i>HELLER v. NBC UNIVERSAL</i> (ANTI-SLAPP) (WEB)
Class 4	Read: 231-245, 247-253 — TIGER WOODS
Class 5	Read: 253-267 — SPAWN
Class 6	Read: 291-299, 302-317, 319-330 — HERE’S JOHNNY Skim: 300-302, 363-367
Class 7	Read: 368-374, 378-390 — GEORGE HARRISON
Class 8	Read: 398-417, 438-441 — SCENES-A-FAIRE
Class 9	Read 441-448, 451-454, 457-469 — FAIR USE & THE MALTESE FALCON Skim: 448-451
Class 10	Read: 477-491 — FAIR USE & SONY Skim 469-472, 492-509
Class 11	Read: 523-547 — GROKSTER & <i>LENZ v. UMG</i> (WEB) Skim: 509-523
Class 12	Read: 426-438 — REDIGI, AEREO & ASCAP, OH MY! Skim: 547-565
Class 13	Read: 566-572, 575-580, 582-584, 588-595 — MUSIC SAMPLING
Class 14	Read: 605-614, 621-627 — DAMAGES Skim: 631-634

Class Dates	Weiler Myers & Berry Pages
Class 15	Read: 634-647, 666-671 — MORAL RIGHTS Skim: 648-649
Class 16	Read: 674-689 — <i>MATAL v. TAM</i> (WEB) Skim: 673, 689-693
Class 17	Read: 696-708, 710-714 — DESNY Skim: 708-714
Class 18	Read: 714-722, 742-751 — <i>GERRITSEN v. WARNER BROS</i> (WEB) BUCHWALD & GERRITSEN (CASE & ARTICLE ON WEBSITE) Skim 733-739
Class 19	Read: 752-756, 758-772 — CONTRACT FORMATION Skim: 756-759
Class 20	Read: 786-797 — RAP-A-LOT (WEBSITE) & MINOR CONTRACTS Skim: 784-786
Class 21	Read: 819-822, 824-830, 841-849 Skim: 815-819, 836-841, 849-851
Class 22	Read: 851-856, 859-869 — RECORD CONTRACTS Skim: 856-859
Class 23	<u>***FINAL EXAM REVIEW***</u> Read: 869-886 — THE MONEY IN MUSIC/ RECORD CONTRACTS
Class 24	Read: 887-891, 908-918 — BREACH OF ENTERTAINMENT CONTRACTS, PART 1
Class 25	Read: 919-923, 925-937 — BREACH OF ENTERTAINMENT CONTRACTS, PART 2 Skim: 923-925
Class 26	Read: 948-951, 954-967 Skim: 951-954 — ARTIST REPRESENTATION
Class 27	Read: 969-987 — CONFLICTS OF INTEREST ARTICLE Skim: 987-993 — LAWYERS & ARTISTS