

ENTERTAINMENT LAW

Fall 2021/Course # 6377

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LOCATION: Zoom

CLASS HOURS: Tuesdays & Thursdays, 7:30-9:00pm

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.

ALSO SEE COVID-19 ADDENDUM

B. MODE OF INSTRUCTION: Remote

The class will be conducted in remotely via the Zoom platform. During class, please adhere to the following etiquette. Failure to do so may negatively impact your participation grade for the course:

1. Join each meeting with video enabled and audio muted;
2. Raise your “hand” for questions, or type the questions in the participant chat to the class;
3. Refrain from eating, drinking, smoking, or vaping during class;
4. Attend in a quiet space with minimal foot traffic; and
5. Clothing is required, but no dress code is enforced.

Please note, the ABA compliance requires video participation to count for attendance in class. Please inform us if you have any difficulty with this and we will try to work with you to figure something out.

C. REQUIRED TEXT

Gary Myers, William W. Berry, III, & Paul C. Weiler, *Entertainment, Media, And The Law*

(West Academic 6th ed. 2021) **ADDITIONAL READING MATERIALS WILL BE PROVIDED THROUGH THE COURSE WEBSITE LOCATED AT www.alonsolaw.com/students.**

D. 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.

E. OFFICE HOURS

The professors are typically available after class to respond to questions or provide clarification on the materials presented. For those who are unable to attend class or who have additional questions, the professors provide a one-hour call-in Zoom meeting each Friday at 12:00 CT after Labor Day. 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.

F. 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).

G. Covid 19 Addendum to Entertainment Law Syllabus Fall 2021

Face Covering Policy (in-class only)

To reduce the spread of COVID-19, the University [requires face coverings](#) on campus including classrooms for both faculty and students. Face coverings must cover your mouth and nose and be worn throughout the class session. A mask with a valve is not considered an adequate face covering and should not be used, as it can expel exhaled air, increasing the risk to others. Eating or drinking during class is discouraged and is not an excuse for removing the face covering for any extended length of time. For additional information on the use of face coverings, please see [Face Covering FAQs](#). Failure to comply with the requirement to wear a face covering in class will result in your being asked to leave the classroom immediately and a disciplinary referral through the Dean of Students Office. Requests for accommodations relating to the face covering policy may be directed to the [Center for Students with DisABILITIES \(CSD\)](#).

Required Daily Health Self-Assessment (in-class only)

Your presence in class each session means that you have completed a daily self-assessment of your health/exposure and you:

- Are NOT exhibiting any [Coronavirus Symptoms](#)
- Have NOT tested positive for COVID-19
- Have NOT knowingly been exposed to someone with COVID-19 or suspected/presumed COVID-19

If you are experiencing any COVID-19 symptoms that are not clearly related to a pre-existing medical condition, do not come to class. Please see [COVID-19 Diagnosis/Symptoms Protocols](#) for what to do if you experience symptoms and [Potential Exposure to Coronavirus](#) for what to do if you have potentially been exposed to COVID-19.

Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Center for Students with DisABILITIES](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with *anyone* without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Syllabus Changes

Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible through the course website located at <https://www.alonsolaw.com/students>.

H. READING SCHEDULE

Class	Myers, Berry & Weiler, 6 th Edition, Pages	
Class 1	Read: 23-36 — <i>Skim: 1-23, 36-42</i>	OBSCENITY & SKYWALKER
Class 2	Read: 42-63 —	GEORGE CARLIN <i>FCC v. FOX</i>
Class 3	Read: 133-145, 152-161 — <i>Skim: 131-133</i>	DEFAMATION & PRIVACY <i>HELLER v. NBC UNIVERSAL</i> (ANTI-SLAPP) (WEBSITE)
Class 4	Read: 219-240 —	ZACCHINI TIGER WOODS
Class 5	Read: 241-256, 277-284 —	JOHNNY & SPAWN
Class 6	Read: 288-303, 308-316 — <i>Skim: 284-288, 303-308</i>	VANNA MLK NCAA NIL Regulation (WEBSITE)
Class 7	Read: 333-344, 347-358 —	GEORGE HARRISON
Class 8	Read: 358-384 —	BEE GEES DRIVING MISS DAISY
Class 9	Read 402-431— <i>Skim: 431-435</i>	SCENES-A-FAIRE SUPERMAN
Class 10	Read: 437-448, 460-468— <i>Skim 448-460</i>	FAIR USE, SONY & NAPSTER
Class 11	Read: 392-401 —	AEREO <i>LENZ v. UMG (WEBSITE)</i> YT-MP3.COM (WEBSITE)
Class 12	Read: 469-494 —	PERFORMANCE RIGHTS & SAMPLING
Class 13	Read: 494-519 —	LICENSING ENFORCING COPYRIGHT
Class 14	Read: 521-529, 535-546— <i>Skim: 529-535</i>	CREDIT & MORAL RIGHTS <i>CASTILLO v. G&M REALTY LP</i> (WEBSITE)

Class	Myers, Berry & Weiler, 6 th Edition, Pages	
Class 15	Read: 550-575 — <i>Skim: 547-550</i>	TRADEMARK
Class 16	Read: 575-595 — <i>Skim: 595-600</i>	MUPPETS DESNY BUCHWALD
Class 17	Read: 603-630 <i>Skim: 630-631</i>	BASINGER & ARETHA!
Class 18	Read: 632-645, 656-663 — <i>Skim: 645-646</i>	ENT. CONTRACT FORMATION
Class 19	Read: 663-671, 691-702 — <i>Skim: 671-676, 687-690, 702-704</i>	DURATION & MORALS CLAUSES RAP-A-LOT (WEBSITE)
Class 20	Read: 704-709, 713-732	ENT. CONTRACT DAMAGES
Class 21	Read: 732-750 —	***FINAL EXAM REVIEW*** CONTRACT OBLIGATIONS
Class 22	Read: 750-766 —	FILM CONTRACTS & FINANCING
Class 23	Read: 766-778 —	MUSIC CONTRACTS & ROYALTIES
Class 24	Read: 779-783, 788-800 — <i>Skim: 783-788</i>	ENTERTAINMENT CONTRACT REMEDIES
Class 25	Read: 800-825 —	BREACH OF ENTERTAINMENT CONTRACTS
Class 26	Read: 825-835, 844-856 — <i>Skim: 837-844</i>	ARTIST REPRESENTATION
Class 27	Read: 856-880 — <i>Skim: 864-866</i>	CONFLICTS OF INTEREST ARTICLE (WEBSITE)