

ENTERTAINMENT LAW

Fall 2024 | Course # 15432

INSTRUCTORS: Yocel Alonso | Yocel@AlonsoLaw.com | Tel.: (281) 240-1492

Jammy Kiggundu | kigprofessor@gmail.com | Tel.: (281) 413-7569

LOCATION: Room 310

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, publicity rights, and tort law. We will also explore their impact on the business and legal affairs of recording artists, record companies, publishers, digital and terrestrial media, as well as the motion picture industry.

The goal of the class 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.

B. MODE OF INSTRUCTION

Hopefully this course will be 100% in-person but we have not yet been able to acquire a crystal ball in order to foresee future pandemics and Acts of God. So whether the class will be distance education or even have a physical room assigned (and, if so, the extent to which the instructor might use the room during the semester) cannot be foreseen. It's also possible that you may see contrary indications in the UH systems when you actually register for the course. So there is always the possibility that the class might be distance education with no use of a physical classroom. Or it might be the "HyFlex" mode which some Law Center courses used a physical room during 2020-21. Life is as precious as it is uncertain. As we get closer to the start of the term/semester, this course note may be updated as decisions are made. The instructors may or may not be involved in those decisions, but decisions about modalities may not be invariant throughout the term/semester or between now and when the course starts.

C. LEARNING OBJECTIVES | OUTCOMES | GOALS

From taking this course, students will be able to: (1) demonstrate a detailed understanding of entertainment law and portions of the Constitution relating to entertainment law, and (2) engage in legal analysis and reasoning, problem-solving, and written and oral communication relating to entertainment law.

During your time in this course, you will also develop competence in the following:

- Knowledge and understanding of substantive and procedural law regulating lawyers' conduct;
- Legal analysis and reasoning, legal research, problem-solving, and written and oral communication related to legal ethics and professional responsibility;
- Exercise of proper professional and ethical responsibilities to clients and the legal system;
- Reflection upon how to integrate conceptions of professionalism and the lawyer's role into your career;
- Recognition of the trends that will influence the future of lawyers' work; and
- Other professional skills needed for competent and ethical participation as a member of the legal profession.

D. REQUIRED TEXT

Gary Myers, William W. Berry, III, & Paul C. Weiler, *Entertainment, Media, And The Law* (West Academic 6th ed. 2021). **DO NOT BUY ANY EBOOKS OR SUPPLEMENTS. YOU WILL NOT BE ABLE TO USE EBOOKS WHEN TAKING THE FINAL EXAM WITH THE EBB CLIENT SOFTWARE. ADDITIONAL READING MATERIALS WILL BE ADDED TO THE SYLLABUS AS NEEDED.**

E. 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. **To that end, three (3) “not prepared” responses to questions pertaining to class assigned readings will be deemed an absence.**

F. 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.

G. 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).

H. UHLC Required Language for Courses with a Face-to Face Component

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 Student 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.

COVID-19 Information

Students are encouraged to visit the University's COVID-19 website for important information including diagnosis and symptom protocols, on-campus testing, and vaccine information. Please check the website throughout the semester for updates.

Vaccinations

Data suggests that vaccination remains the best intervention for reliable protection against COVID-19. Students are asked to familiarize themselves with pertinent vaccine information and to consult with their health care provider. The University strongly encourages all students, faculty and staff to be vaccinated.

Reasonable Academic Adjustments / Auxiliary Aids

The University of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact the Justin Dart Jr. Student Accessibility Center (formerly the Justin Dart, Jr. Center for Students with Disabilities).

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 Justin Dart, Jr. Student Accessibility Center. 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

Please note that the instructors 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>.

Resources for Online Learning

The University of Houston is committed to student success, and provides information to optimize the online learning experience through our Power-On website. Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, and Blackboard; requesting a laptop through the Laptop Loaner Program; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact UHOnline@uh.edu.

UH Email

Please check and use your CougarNet email for communications related to this course. To access this email, login to your Microsoft 365 account with your CougarNet credentials.

Webcams

If applicable, access to a webcam is required for students participating remotely in this course. Webcams must be turned on (*state when webcams are required to be on and the academic basis for requiring them to be on*). (Example: *Webcams must be turned on during exams to ensure the academic integrity of exam administration.*)

Title IX/Sexual Misconduct

Per the UHS Sexual Misconduct Policy, your instructor is a “responsible employee” for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at:

<https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>

Security Escorts and Cougar Ride

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. Our Security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to

locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety, please call (713) 743-3333. Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called Cougar Ride that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at:

<https://uh.edu/af-university-services/parking/cougar-ride/>

Helpful Information

Coogs Care: <https://uh.edu/dsa/coogscare/>

Student Health Center: <https://www.uh.edu/healthcenter/>

I. Covid 19 Addendum to Entertainment Law Syllabus (IF APPLICABLE)

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.

J. READING SCHEDULE

Class	Myers, Berry & Weiler, 6 th Edition
Class 1	Read: 23-36 — OBSCENITY & SKYWALKER Skim: 1-23, 36-42
Class 2	Read: 825-835, 844-856 Skim: 837-844 — ARTIST REPRESENTATION
Class 3	Read: 856-881 — CONFLICTS OF INTEREST ARTICLE (WEBSITE)
Class 4	Read: 42-63 — GEORGE CARLIN <i>FCC v. FOX</i>
Class 5	Read: 133-161 — DEFAMATION & PRIVACY; <i>HELLER v. NBC UNIVERSAL</i> (ANTI-SLAPP) (WEBSITE)
Class 6	Read: 219-240 — ZACCHINI TIGER WOODS
Class 7	Read: 241-256, 277-284 — JOHNNY & SPAWN
Class 8	Read: 288-303, 308-316 — VANNA MLK Skim: 284-288, 303-308 — NCAA NIL Regulation (Website)
Class 9	Read: 333-344, 347-358 — GEORGE HARRISON
Class 10	Read: 358-384 — BEE GEES DRIVING MISS DAISY
Class 11	Read 402-431— SCENES-A-FAIRE SUPERMAN Skim: 431-435
Class 12	Read: 437-448, 460-468— FAIR USE, SONY & NAPSTER Skim 448-460
Class 13	Read: 392-401, 469-475 — AEREO & <i>LENZ v. UMG</i> (WEBSITE) PERFORMANCE RIGHTS
Class 14	Read: 475-494 — SAMPLING
Class 15	Read: 494-519 — LICENSING ENFORCING COPYRIGHT
Class 16	Read: 521-529, 533-546 — ARTISTIC CREDIT MORAL RIGHTS Skim: 529-533 — <i>CASTILLO v. GM REALTY</i> (WEBSITE)
Class 17	Read: 550-575 — TRADEMARK Skim: 547-550

Class	Myers, Berry & Weiler, 6 th Edition, Pages
Class 18	Read: 575-594 — MUPPETS DESNY BUCHWALD Skim: 594-600
Class 19	Read: 603-630 — BASINGER & ARETHA! IN MEMORY OF PROFESSOR MICHAEL OLIVAS Skim: 630-631
Class 20	Read: 632-646, 656-663 — ENT. CONTRACT FORMATION MINORS
Class 21	Read: 663-671, 691-702 — RAP-A-LOT DURATION MORALS CLAUSES Skim: 671-676, 687-690, 702-704
Class 22	Read: 704-709, 713-732 — CONTRACT DAMAGES
Class 23	Read: 732-750 — FINAL EXAM REVIEW CONTRACT OBLIGATIONS
Class 24	Read: 750-766 — FILM CONTRACTS & FINANCING
Class 25	Read: 766-778 — MUSIC CONTRACTS & ROYALTIES
Class 26	Read: 779-802 — ENTERTAINMENT CONTRACT REMEDIES
Class 27	Read: 802-825 — BREACH OF ENTERTAINMENT CONTRACTS