Entertainment Law

Professor Richard M. Hendler
308 Tisch Hall, 40 West 4th Street, 212-998-0057
rhendler@stern.nyu.edu

Course Overview & Syllabus (as of 9/2/04)

SCOPE AND EMPHASIS

This is a course about entertainment aspects of the mass media. Major topics include contracts, torts (defamation, privacy, and emotional distress), and other laws such as labor and e-commerce (internet) law. This course will also focus on the relationships between various parties in the entertainment field (the artist and her manager, agent and so on), the protection of intellectual property interests, and various aspects of the recording industry (e.g. songwriter-publisher contracts, performing rights organizations and royalties). Actual contracts will be analyzed.

REQUIRED TEXTS:

Compilation of legal cases and articles
Sample Entertainment Contracts and other materials
Additional Requirement: Online Legal Research and Readings

Recommended Web Sites:

http://blt.westbuslaw.com
http://www.westbuslaw.com
http://www.findlaw.com
http://www.nylj.com
http://www.law.com
Lexis/Nexis (home.nyu.edu)
ATTENDANCE:

Attendance is mandatory.

As a courtesy to your classmates and to me, try not to be late.

I will be prepared for every class and expect you will do the same. You should carefully read all of the assigned materials prior to class so that you can fully participate in the class discussion. Be prepared to be called upon. Please let me know before the start of class if some emergency has made it impossible for you to be adequately prepared.

ASSIGNMENTS/GRADING:

Your final course grade will be determined by the grades received on the following: take-home group assignment (contract formation), take-home individual assignment (hypotheticals), group project (an organized and researched lesson plan submitted in written format). These assignments will be explained in more detail in the first class. In addition, there will be graded online quizzes announced randomly throughout the semester and of course class participation. All grades may be raised by one third (for example B+ to A-) upon submission of weekly articles or if awarded MVS. Grades may be lowered by one third (for example from an A- to B+) if a student is unprepared and/or absent.

The breakdown is as follows:

- Group Assignment (25%)
- Individual Assignment (25%)
- Group Project (25%)
- Class Participation and Online Quizzes (25%)

Do not use e-mail to send me written assignments. All assignments will be submitted in hard copy at my office on or before the given due date and time.

My keys to success are: (1) passion; (2) persistence; (3) honest; and (4) preparation. And do not forget to work hard [not just one or two nights before the assignment is due or exam is given]. Have fun too.

POLICY ON CHEATING:

It is my sincere hope that no student in this class will do work which is not his/her own. Academic dishonesty may take many forms. Copying the work of another and submitting it as one's own, failing to attribute credit to a reference source, allowing another to copy one's work and copying from another during an exam are a few examples
of academic dishonesty. Anyone caught cheating will be directly deferred to the dean who will assess the necessary consequences.

**SCHEDULE OF DISCUSSIONS** (topics are subject to change):

I  **Introduction**: contract formation; deal memo

II  **Contracts**: formation; terms; conditions; obligations; remedies and liabilities; licensing; royalties; how to enforce; litigation; non-disclosure & non-compete; promissory estoppel.

*Read Cases: to be announced in class (tba)*

III  **Managers and Agents/Agency**: works for hire; recording artists; independent record producers; minors.

*Read Cases: tba*

IV  **Individual Rights**: property, moral and publicity rights; publishing; music; film.

**Intellectual Property**: copyrights; patents; protection of ideas; joint works; derivative works; licensing; public domain

*Read Cases: tba*

V  **Defamation and Right to Privacy**: public figure v. private individual; publishing rights; artistic credit; trademark; fair use; damages; emotional distress

*Read Cases: tba*

VII  **Internet Law**: licenses; privacy continued; music.

*Read Cases: tba*

**ENJOY, HAVE FUN, FOSTER FRIENDSHIPS, AND LEARN!**