Course Description:
This is a course about entertainment aspects of the mass media. Major topics include contracts, torts (defamation and privacy), and intellectual property. This course will also focus on the relationships between various parties in the entertainment field (artist, manager, agent, and so on), the protection of intellectual property interests, and various aspects of the recording industry (e.g., contracts and royalties).

At a general level, this course should prepare you to analyze a wide variety of entertainment law issues. Dealing with more narrow topics, such as constitutional concerns or union representation, will require additional, specialized independent study. This class should also help to further develop your reasoning skills.

Readings and Materials:
There is no required text. All cases, notes, and outlines are posted on BB or will be distributed, in class or by email, and you must read them. The cases introduce many of the legal issues affecting the entertainment industry and business transactions and practice. Since the reading and assignments can sometimes get buried or blurred, I will make sure to keep you up to date in class and by email. Make sure that you always check and read the emails.

Class Meetings and Preparation:
You are expected to attend each class, arrive on time, read each week’s readings carefully, and be prepared to discuss the readings in detail. Each person will be expected to be prepared for and contribute to the class discussion each and every session. Students will be called on randomly. Given that we are learning and will be working in a “legal setting,” the Socratic method of teaching will be practiced – that is, students will be called upon to answer questions of the instructor and will be called upon to explain concepts. Points will be deducted from your final grade for lack of preparation or

1 This syllabus is a guide, not a contract. It may be revised in the best interests of the class, and you will be notified promptly of any revisions. Let me know immediately if you don’t understand what is expected of you or any of the “terms and conditions” contained in this Syllabus.
absences that are not excused in advance of class. Any student who will not be prepared or will not be attending class is expected to notify me by email before 5:00 p.m. on the day before class explaining why. More than one excused absence will substantially lower your grade. Also, please do not text message and instant message during class. There is plenty of time to do this during your day job.

Office Hours/Availability:
I will be available on Mondays and Wednesdays and by appointment. In addition, you can reach me at 212.998.0057 (NYU), 516.984.6900 (cell), or via email at rhendler@stern.nyu.edu. My office is located at 40 West 4th Street, 4th Floor, Room 426.

Course Projects, Research Paper, and Examination:
Each student will be required to complete and submit (a) five assignments, (b) optional research project/paper, and (c) an open book, final examination.

Assignments:
Every student will be expected to have completed the cases readings and homework assignments prior to the commencement of each class in which it is due. To reiterate, reading assignments are to be completed prior to each class. Written assignments are to be completed and turned in timely, absent exigent circumstances. If an assignment is turned in late, a full letter grade will be deducted. And any written assignment not turned in shall receive a “0” (zero) score. (By the way, employment reasons are not exigent circumstances.) In the end analysis, submitting assignments late is unfair to the rest of the class.

Most, if not all, of the assignments will be based upon a fact scenario discussed during the first class. The class will be split into plaintiff firms and defense firms, and the assignments will be completed accordingly.

Grading and Weighting:
Exams, assignments, and projects will be graded on a letter scale. Your final grade will be based on the following factors: participation (15%) and homework assignments (40%), merit of the optional project (25%), and examination (30% or 45%). Substantial points will be deducted from your final grade for absences that are not excused in advance of class.

I grade the exam, assignments, projects, and papers "blind." So put only your NYU number, not your name, on any submission. All submissions must be uploaded onto BB. I do not curve grades in this class; the chips fall where they may. In theory there could be all As or none, although reality tends to fall between these extremes.

A substantial part of the examination will be based upon the discussions raised in class and the questions appearing in your assigned cases, materials, projects, and homework assignments.
Written Deliverables:

**First Assignment**: INDIVIDUAL ASSIGNMENT -- Pepsi
After listening to the Pepsi trial, prepare a judicial opinion for publication based on your knowledge of the law from the readings and the facts and arguments presented during the trial. Write your own opinion using the facts in the case and the law supplied to you in the readings and during the trial. Your opinion should be double-spaced and typed. You should state the issue(s), the applicable rules of law, and incorporate plenty of reasoning, essentially supporting and explaining your result. You may use as authority any cases and statutes. **Due Date: September 26 before class**

**Second Assignment**: GROUP ASSIGNMENT -- Deal Memorandum
Locate a deal memo in your field of interest. Review and analyze it. For example, is it an offer? What provisions trouble you the most? Would you agree to it? Why or why not?

Pick a field of interest (for example, film) and then a sub-interest (for example, product placement in films). After deciding on a topic, prepare a memo/outline involving most material points and under each point, describe the range of interests of both sides to the contract (for example, agency compensation from 10-15%). **Due Date: October 10 before class**

**Third Assignment**: INDIVIDUAL ASSIGNMENT -- Pay or Play
Research to gain a handle on "Pay or Play" provisions in contracts. Should there have been such a provision between Kim and Main Line? What would the provision look like? What does the provision do? **Due Date: October 17 before class**

**Fourth Assignment**: INDIVIDUAL ASSIGNMENT -- Waiver & Release Assignment
Draft a contract to obtain, at a minimum, written permission from me to use my images in any non-offensive way and to prevent me from suing you for such use. This assignment may be done individually or in a group of up to three. **Due Date: October 24 before class**

**Fifth Assignment**: GROUP ASSIGNMENT -- Kanyevel
First, review Kanye West's music video (Touch The Sky).

For this assignment, you are to write a judicial opinion, of no more than three pages, using the music video, [Evel Knievel's site](http://evelknievel.com), and any factual info you can find about Kanye West or Evel Knievel. You must state the issue(s) and the applicable rules of law and incorporate reasoning that supports and explains your conclusions.

In his complaint, Knievel has asserted trademark infringement associated with the use of his "trademarked" jumpsuit, his name, his image, and his likeness and Knievel has also asserted trademark dilution and tarnishment associated with the use of "vulgar and offensive" images portraying Knievel.
For your opinion, you may turn to statutes, cases, and any other material using LexisNexis, Google Scholar, and the Internet. The only exception, as always, is to not read any information on the actual trials. Remember, your authority for your reasoning comes from the law.

The opinion, up to three, should be single-spaced, 12-point font, 1" margins. Due Date: November 21 before class.

Optional First Project: Research Paper:
You must conduct original research about contemporary issues centered in any area of concern to the entertainment industry. Obviously, the issues should also interest you. The paper must be no than ten pages in length and in a conventional writing format, or if you prefer, in another format that I approve in advance. Topics must be chosen and cleared by October 31. Papers will be due at the end of the final class period with copies to each of your classmates. You may work singly or in collaboration with others on your projects, but in the latter case, the scope, depth, or other dimensions of the project must be increased accordingly. Due Date: December 10 by 11:55 p.m.

For clarification on requirements for the written deliverables (whether in regards to proper legal format of opinions and memoranda or expectations of research papers), feel free to inquire with me. I am also available for assistance on preparation for almost anything. Take advantage of my office hours!

Deliverables: All deliverables must be posted onto Blackboard, and you must maintain a copy of your deliverable until your final grade in the class is posted on Albert.

Examination:
One “open-book,” final examination (it is long and time-consuming) will be given, covering entertainment law as illuminated by the assigned readings as well as class lectures, discussions, assignments, projects, and exercises. Open book means the Internet, materials distributed in connection with this course, your class notes, and any other materials created substantially on your own (including any outline prepared by a group of which you were a participating member). The exam will be a combination of essays, fill-ins, and/or multiple-choice questions. The exam may be taken individually or in groups of up to four and will be administered during final week assigned by the school. You have seventy-two hours from the moment you decide to log in to submit -- not seventy-two hours' worth of time to take the exam. Again, the exam will be open book which means you can use anything and everything and you decided when to begin the exam.

Class Trials: Expectations
Throughout the semester, I will hold in-classroom mini-trials where students can either gain or lose points on their examinations. At least one class in advance, I will randomly assign students as plaintiffs, defendants, jurors, and judges for a particular trial. The number of trials each student is assigned will be evenly distributed. I expect that assigned parties thoroughly research their respective cases in the following ways:
Case Readings
Legal cases found on LexisNexis (NYU Home → Research) or Google Scholar
Newspaper articles and professional journals
Other relevant material
The Internet

To help your research using LexisNexis, go to the following Internet search tutorials on “how to use LexisNexis.”

http://www4.nau.edu/library/reference/LexisNexisAcademic.htm#Materials


Google Scholar is a newer, more streamlined search engine for cases and may serve you better depending on the assignment.

The format of the trials may vary, but generally, the plaintiffs will present their arguments first, then the defendants will present their counterarguments. After the jury or judge hears both arguments, they will (but not always) determine the winning party.

For most trials, your classmates will be jurors or a guest, a student, your TA, or I will act as the judge. Any judge and I may always ask questions to either party (i.e., plaintiff or defendant) as well as to the class. We can also randomly call up any member of the class including plaintiff or defendant party to discuss any topic at any time. Be very prepared as any question regarding something related to the case is fair game here! More information may be e-mailed to you closer to each trial date.

Note once more that your participation in these trials is counted as part of your participation grade. As such, it is in your best interests to prepare as thoroughly as possible as the level of groundwork will be evident in your performance during the trial itself.

Remember the trials in the syllabus are subject to change.

Groups:
You may form groups of at most four students for doing the projects including the research paper, examination, assignments as marked, and other group work during class.

Policy on Academic Dishonesty:
Academic dishonesty could consist of copying another’s work and submitting it as one's own, failing to attribute credit to a reference source, or copying from another during an exam. Academic dishonesty undermines the school's student code of conduct and is
unfair to other students. Instances of academic dishonesty will be referred to the Stern School Discipline Committee.

Schedule of Classes, Topics, Assignments, and Projects:
The schedule set forth below is subject to change as the need arises, and it probably will change. All changes will be announced in class or by email. If you miss a lecture, it is your responsibility to learn of any announced changes and the material from your classmates. Don’t forget that readings should be completed in advance of the class session for which they are indicated. I also recommend that you review those readings again after class for reinforcement. [NO CLASS ON SEPT. 26]

Week 1: Overview (getting familiar with one another and some housekeeping).

(9/5) The Playing Field: The State and Federal Court Systems.

Pepsi Case. Assignment #1 will be assigned.

Weeks 2-5: Contract Law Sources and Principles: Contract = Offer + Acceptance + Consideration + (no defenses); Breach; Measuring Damages; Specific Performance; Promissory Estoppel.

Assignments #1, #2 and #3 are due. Deal Memo and Pay or Play Assignments.

Contract provisions in Sports, Music & Film.

Actual contracts will be distributed and analyzed.

Weeks 6-10: Intellectual Property principles:

(10/17-11/14) Trademarks: Ownership; Infringement; Parody, and Fair Use.
Copyright: Authorship; Copyrightable; Infringement; Fair and Unfair Use; and Works for Hire.

Bratz, Apple/Samsung, Facebook, Evel Knievel, Family Guy, Barney, MasterCard, SNL Trials “and/or” others.

Assignment #4 is due. Release & Waiver Assignment.

Continuation of Intellectual Property principles:

Copyright: Copyrightable; Authorship; Infringement; Fair and Unfair Use; Works for Hire; and Effects of Technology.

Plagiarism Examined and Pirated Movie/Music Trials: Broken Flowers and Music.

Week 11: Agency Relationship: Formation; Authority; Fiduciary; Liabilities; Regulation.

Examination of Entourage.
Assignment #5 is due. **Kanyevel Assignment.**

*(11/28-12/12)* **Impersonator and dot.com Trials – to be determined.**

Defamation; Infliction of Emotional Distress; Tortious Interference with Contractual Relations; Privacy; Public Disclosure; False Light; and Publicity Rights.  
**Project #1 (optional) is due.**

CLASS ON THE 12<sup>TH</sup> MEETS ON THE 10<sup>TH</sup>

*Dec. 12-21*  Open Book, Individual or Group Final Exam

*Remember to search for and find passion in your life!!*