

**HAMLIN UNIVERSITY
SCHOOL OF LAW**

**ARTS & ENTERTAINMENT LAW
FALL 2009**

Syllabus & Policies
Professor Jon M. Garon
Mon. 3:00-4:50 (Room 4)

1. Course Objectives and Methodology:

This course will address the legal and transactional issues involved with live performance, recording agreements, motion picture licensing, finance, and development, virtual entertainment of computer gaming and virtual worlds, and new media. Students will immerse themselves in the deal-making aspects of practice in the entertainment industry and the relationships between the media producers, distributors and artists in these industries.

The objectives of this course are:

- (i) To track the legal and business structure of the motion picture, computer, video game, and music industries;
- (ii) To familiarize you with the intellectual property rights and contractual relationships between the media producers, distributors and authors in these industries;
- (iii) To introduce the deal-making aspects of practice in the entertainment industry; and
- (iv) To develop client counseling and problem solving skills using issues related to the entertainment industry and business planning.

2. Texts & Materials:

Required:

JON M. GARON, ENTERTAINMENT LAW & PRACTICE, (Carolina Academic Press (2005) ISBN: 0-89089-514-7 AND Supplement (2007) ISBN: 978-1-59460-469-0.

JON GARON, THE INDEPENDENT FILMMAKERS LAW AND BUSINESS GUIDE, 2d Ed. (Chicago Review Press 2009) ISBN: 978-1-55652-833-0

TWEN Course Website. Students must enroll and provide an e-mail address. The address is: <http://lawschool.westlaw.com/twen/default.asp>.

Do not limit yourself to the materials identified in the syllabus. There are many books on entertainment law and the entertainment business that can provide you a helpful background on the topics we will be discussing during the semester. By reading outside materials, you will gain a broader perspective on the course topics and a better understanding of the legal, financial, and business issues.

Recommended:

DONALD PASSMAN, *ALL YOU NEED TO KNOW ABOUT THE MUSIC BUSINESS* (Simon & Schuster 5th Ed. (2003) ISBN: 0743246373.

MARK HALLORAN, *THE MUSICIAN'S BUSINESS & LEGAL GUIDE* (Prentice Hall 3d. Ed. 2001) ISBN: 0130316814.

3. Examinations, Grading and Written Submissions:

The grading for the course will be based on written research and writing exercises due throughout the course of the semester and examination period, including a substantial final project. These exercises may be published in a “wiki” or socially-edited website made available to the public. You will be expected to write materials, present content in class, and critique the postings of other student authors. You will receive a letter grade for the course. You must also agree to the software and content posting agreements related to this project as a condition of enrollment. Due to the nature of the assignments, anonymous grading may not be utilized in this class.

4. Schedule Changes & Office Hours:

I will be available for office hours by appointment throughout the semester. I also welcome drop-in visits. My open office hours are generally Tuesdays, 9:00 – 12:00. You may contact me at 651-523-2535 or e-mail jgaron@hamline.edu.

5. Attendance and Participation:

Attendance and participation are required for all classes. You are expected to arrive at class on time (subject to snow emergencies) and to remain in class throughout the session. Failure to be prepared will count as an absence. Laptop use is strongly encouraged in class, but must only be used in furtherance of the course activities. Unrelated use of your laptop or other electronic devices may result in your dismissal from the class session, which will constitute an absence for that day. You can be absent no more than two sessions. In rare circumstances, a student may make up an absence caused by an extraordinary situation through non-classroom participation. Students who miss more than two sessions will be academically dis-enrolled from the course and receive a “W” or a “F” on their transcript as provided under the applicable attendance policies, based on the time of such dis-enrollment during the semester.

6. Website Usage:

A. Use of the TWEN and other websites:

The course materials and posts are hosted at TWEN (Website or Site) that provides references and resources for this course. This syllabus, current reading assignments, Internet resources, law review articles and cases available on the Website can be linked to the e-mail postings you place on the Website using an open discussion forum. Many of the course handouts and materials will be made available through the Website. To use it, you must agree to abide by the user agreement and the requirements set out in this syllabus. Failure to abide with these policies may result in a lowered grade or academic dismissal.

Students may also use or be assigned additional websites or publicly hosted listserves and electronic communities. This syllabus applies to course-related postings and conduct in any medium, whether hosted through TWEN, other electronic resources, or through any other venue.

B. Protocol & Decorum:

Messages sent to the Website are automatically made available to everyone who visits the Website. The list is monitored but not moderated. This means any message you send to the list will be immediately available for all list members without human intervention. I will read the list and participate in discussions from time to time, but the list is designed to be your vehicle to explore some of the ideas first addressed in class.

The Internet an extension of the classroom. As such, the decorum and professionalism expected of you in class extends to all postings made regarding the course or its content. I expect that you will extend the same courtesy to your fellow students on the list as you do in class. Feel free to disagree with the ideas expressed, but work to keep the discussions polite and focused on the ideas.

C. Attribution of Postings:

Always include your name and email address in the body of your message so that others may reply to you directly. Personal messages should be sent directly rather than the list as a whole. Please do not send your e-mail anonymously. I believe that this discourages both thoughtfulness and professionalism. If you have a question or other item that you would like posted without attribution, send the message to me directly and I will forward it to the list if appropriate. If you send e-mails directly to me or ask questions that are of general interest, I will also edit those questions (and my response when applicable) and forward them to the class.

D. Protection of Copyright:

The Law School, its students and its faculty are all required to abide by copyright law. This is both as a matter of law and law school policy. Please respect this. The Website provides an excellent vehicle for sharing information, particularly information gleaned from other electronic resources (such as the Internet, Lexis or Westlaw). While this is an appropriate use of the Website, please be very conservative with respect to the amount of material that is reproduced in the e-mail. When appropriate, please post cites rather than significant portions of text from any source. A fair use defense to copying should be used sparingly, if ever.

E. Nonexclusive Assignment of Copyright:

To facilitate the development of a wiki, website, or other publications resulting from the coursework associated with this class, as a condition of enrollment you hereby grant an irrevocable, nonexclusive assignment of the copyright in all material you post to TWEN or other websites created for or posted to on behalf of this class. You remain the owner of your copyrighted work and this nonexclusive assignment does not preclude you from utilizing the manner in any fashion on a nonexclusive basis.

7. Reading Assignments:

This is a sample draft schedule which **will change** based on the topicality of the issues, time available, and interests of the enrolled students. The casebook pages (ELP), TWEN postings, and formbook assignments are listed below. Be sure to read the casebook supplement's additions to the pages in the casebook. Students are responsible for staying current with the reading assignments. Students are also responsible for additional relevant contracts and supplementary reading. **Be sure to check the TWEN website for readings for each of the unit assignments.**

Session		Topic	Materials
8/24	1	Introduction; Non-Literary Rights and Life Story Agreements	ELP I 3-28 (skim) ELP VI 209-242
8/31	2	Trademarks & Publicity	ELP VII 243-288 TWEN – Garon, Identity Licensing
9/7		Labor Day – No Class	
9/14	3	Sound Recording Industry - Recording Artist Agreements (Copyright Overview)	ELP 469-503 TWEN - David Byrne, Survival Strategies for Emerging Artists - and Megastars, WIRED
9/21	4	Sound Recording Industry – Band Formation, Tours, Merchandizing	ELP 469-503 TWEN
9/28		Yom Kippur – No Class	
10/5	5	Music, Piracy & Technology	ELP 533-595
10/12	6	Music Publishing	ELP 421-468 Forms – Form 34-37
10/19	7	Professional Live Theatre	ELP 333-373
10/26	8	Curation, Fine Art and Visual Art	Supplement Ch XVII – Visual Arts & Cultural Artifacts
11/2	9	Legal Constraints on Media: Defamation, Privacy, and Professional Ethics	ELP 209-241;133-155
11/9	10	Film Acquisition, Financing & Production	ELP 375-400; 409-420 Ind. Film Chap 1-3,5-6
11/16	11	Film & Video Exhibition & Distribution	Ind. Film Chap 16-19 TWEN-ITVS Digital Futures
11/23	12	Contracts: Key Terms & Strategies	ELP 289-329 TWEN – Farber, Negotiating Entertainment Contracts
11/30	13	New Technology, Social Media and Virtual Worlds	TWEN — Articles Steve Davidson, Second Life — an Immersive Perspective Jon M. Garon, Playing in the Virtual Arena Jon M. Garon, Reintermediation
12/3 Make-up	14	New Technology cont. Student Presentations	TWEN – Jon M. Garon, Own It

