

LW6118E: ENTERTAINMENT LAW

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Entertainment Law

Subject Code

LW - Law

Course Number

6118E

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

P5, P6 - Postgraduate Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

Nil

Exclusive Courses

Nil

Part II Course Details

Abstract

This unique course provides knowledge and understanding of key legal issues, standards, and practices in the entertainment industry, including music, film, design, publishing as well as entertainment media industries. Due to the

global and mass nature of contemporary entertainment, the course applies a comparative perspective and provides cases and practices from the U.S. as well as European and Asian/Pacific regions. The course is developed by a legal practitioner with a 15-year experience of work in the entertainment and media industries.

The course consists of two main parts: theoretical and practical. The first part addresses legal issues of entertainment business related to the protection of the rights to reputation, publicity, and privacy as well as creative ideas and media formats' protection. Additionally, it considers specific issues of copyright protection in the entertainment industry, particularly, concerning the creation of remixes, remakes, playlists, parodies and the use of samples. The second part focuses on entertainment dealmaking and contracts, including option agreements, producer and distribution agreements, digital music licenses as well as concert agreements. It provides the students with practical skills that are necessary to succeed in their future careers within the entertainment industry or related businesses.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if DEC-A1 app.)		DEC-A2	DEC-A3
1	Describe and explain basic legal rules, issues and practices in entertainment industry	20	x		
2	Apply standards and practices regulation to solve legal issues in entertainment industry by: - considering and interpreting cases - interpreting statutory provisions - reading interpreting and revising contracts as well as deal memos - developing strong legal argumentation - communicating orally and in writing	50	x	x	
3	Critically evaluate legal standards and contractual provisions and provide solutions in line with rule of law and needs of entertainment businesses	30	x	x	x

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

Learning and Teaching Activities (LTAs)

LTAs		Brief Description	CILO No.	Hours/week (if applicable)
1	Lectures	Introduction and discussions of main legal concepts, issues and cases in entertainment industry	1, 2	3
2	Seminars	Reading and evaluation of key cases in entertainment industry	2, 3	

3	Seminars	Reading, evaluation and revision of deal memos and entertainment contracts	2, 3	
4	Seminars	Elaboration and presentation of legal strategies related to production of entertainment projects	2, 3	

Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Participation:		10	The use of Generative AI tools is not allowed.
2	Understanding of basic legal rules, issues and practices	1		
3	Application of legal rules	2		
4	Critical evaluation of legal rules, cases, contracts and practices	3		
5	Presentations:		40	The use of Generative AI tools is not allowed.
6	Application of legal rules	2		
7	Critical evaluation of legal rules, cases, contracts and practices	3		
8	Elaboration of legal strategies	2, 3		

Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

3

Additional Information for ATs

Exam:

- Understanding of basic legal rules and principles
- Application and critical analysis of legal rules to consider cases and contractual provisions
- The use of Generative AI tools is not allowed.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Students must obtain a minimum mark of 50% in both presentations and examination and an overall mark of 50% in order to pass the course.

Applicable to students admitted before Semester A 2022/23 and Semester A 2024/25 & thereafter

Students must obtain a minimum mark of 40% in both presentations and examination and an overall mark of 40% in order to pass the course.

Assessment Rubrics (AR)

Assessment Task

Participation (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Depth of understanding, strong argumentation, active participation in discussions, ability to work with peers.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Presentations (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Depth of research and analysis, ability to work independently and in groups

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Examination (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

Depth of understanding, ability to apply rules, strong argumentation and depth of analysis

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Participation (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Depth of understanding, strong argumentation, active participation in discussions, ability to work with peers.

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Presentations (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Depth of research and analysis, ability to work independently and in groups

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Examination (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

Depth of understanding, ability to apply rules, strong argumentation and depth of analysis

Excellent

(A+, A, A-) High

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

Freedom of expression and entertainment; entertainment media regulation; defamation; protection of morals; protection of privacy and right of publicity; ideas and media formats' protection; copyright; entertainment dealmaking.

The following topics are studied in detail:

- a. International and regional legal perspectives on the right to freedom of expression and its limitations with regards to entertainment content. Balancing exercise. Audiovisual regulation in a digital era. Licensing of broadcasters and cinema enterprises.
- b. Defamation of persons depicted in entertainment content. Libel, slander, and malicious falsehoods in entertainment content. Humour, satire, irony, and defamation.
- c. Balancing freedom of expression with the right to privacy. Right of publicity. Paparazzi law. Permission to portray people and places. Life rights agreements.
- d. Entertainment content, art, and protection of morals. Obscenity, indecency, pornography. "Miller test." Blasphemy and offense of religious feelings in entertainment and art.
- e. Contract law as a remedy for ideas theft. Non-disclosure agreements. Submission release. Implied-in-fact contracts. The legal notion of media formats and their "bibles." The Format Recognition and Protection Association (FRAPA).
- f. Protection of moral rights in the entertainment industry. Copyright in pseudonyms and creative titles. The legal status of works-made-for-hire in the entertainment industry. The legal status of derivative works: remakes, remixes, playlists, and use of sampling. Practices of copyright registration in the entertainment industry. The doctrines of merger and scenes-a-faire with regards to entertainment content. Parody and fair use.
- g. Co-authorship in entertainment. Collaboration agreements.
- h. Rights acquisition in entertainment. Literary acquisition agreement: key elements. Option contract: reserved rights, option fees, purchase price, and set-up bonuses. Option literary and acquisition agreement.

- i. Production agreements. Pay-or-play clause, step deals.
- j. Licensing of music and audiovisual works. Authors and Performing Rights Organizations. Creative commons, “royalty-free” and open licenses. Legal use of photo-, video- and music stocks. Distribution agreements.
- k. Music producer agreements. Performance agreements.

Reading List

Compulsory Readings

Title	
1	Smartt, U. (2014). Media & entertainment law (Second ed.). Abingdon, Oxon; New York, NY: Routledge.
2	Sobel, L., & Biederman, D. (2003). International entertainment law. Westport, CT: Praeger.

Additional Readings

Title	
1	Campbell, D., Meek, S., & Center for International Legal Studies. (2001). Entertainment law. The Hague; Boston: Kluwer Law International.
2	Carey, P., Verow, R., & College of Law. (2000). Media and entertainment law (2000 ed.). Bristol: Jordans.
3	Champion, W., Willis, K., & Thornton, P. (2014). Intellectual Property Law in the Sports and Entertainment Industries. Westport: ABC-CLIO, LLC.
4	Chen, K. (2013). Media and entertainment: A practical legal, business and strategy guide. Subang Jaya, Selangor, Malaysia: Sweet & Maxwell Asia/Thomson Reuters.
5	Gregory Bernstein. (2015). Understanding the Business of Entertainment: The Legal and Business Essentials All Filmmakers Should Know (American Film Market Presents). Taylor and Francis.