



MUIN 542: Developing Copyright Laws and Business Models
Units: 3
Fall 2021: Tuesday & Thursday — 4:30-5:50 pm

Location: TMC 112

Professor: Anita Rivas

Office: TMC 104

Office Hours: HOURS ARE BY APPOINTMENT ONLY.

Hours may vary weekly, but typically available during non-class time.

Contact Info:

Email anitariv@usc.edu

Phone (310) 699-9434 (Cell)
(213) 740-3224 (Main Office)

MUIN Dept. Office: TMC 118

I will endeavor to return your email, text or call within 48 hours (weekend and holidays excepted).

All e-mail correspondence from me to the class will be sent via Blackboard, which defaults to using your USC e-mail account.

Blackboard / IT Help:

email: blackboard@usc.edu or

phone: (213) 740-5555 press option 2

Website: studentblackboardhelp@usc.edu

Course Description:

Developing Copyright Laws and Business Models focuses on the development and jurisprudence of music copyright law and its application in the music industry to artists' services and resulting creative works, from the artist's (and/or owner's) perspective. The course will examine how artist's rights are established in the creative process, and how artist's ownership rights in their works can be exploited and monetized. The class will also focus on business practices, current consumer trends, case law, statutes and digital technologies impacting artist's rights. Additional topics to be addressed include: (a) the right of publicity governed by state statutes; (b) federal and common law trademark; (c) international copyright law; (d) enforcement of artist's rights in connection with copyright infringement; and (e) the influence of technology on copyright policy, legislation, law and the creators' bottom line.

Learning Objectives:

- Apply relevant provisions of the US Copyright Act and foundational business practices to commonplace creative and/or business endeavors that impact artists and artist's rights.
- Recognize the analytical structure and elements that apply to analyzing a claim for copyright infringement in artists' works;
- Analyze current and emerging business models and their legal and economic consequences to artists.

- Describe how competing agendas influence copyright policy and ultimately the artist's bottom line.

Course Notes:

Course materials, assignments, due dates, documentation, and grades will be posted on Blackboard at <https://blackboard.usc.edu/webapps/login/>. If you cannot attend a particular class that is your choice, but it is your responsibility to get notes from a classmate. **I do not post my class presentation material.**

Communication:

Communication and collaboration are essential. Therefore, I want you to feel comfortable asking questions and giving me feedback on this course just as I, and your classmates, will be providing you with feedback on your posts related to class. If you have questions or comments, please feel free to schedule an appointment with me. You can also email me anitariv@usc.edu or call me at (310) 699-9434. I will respond to emails/voicemails within 48 hours Monday-Friday, and on the Monday following a weekend or holiday break.

Technological Proficiency and Hardware/Software Required:

All assignments must be submitted in either Microsoft Word or converted into a PDF document. Proficiency in either of these software is required for this class. Google Docs will NOT be accepted. Any assignments submitted via Google docs will receive a zero.

Loaner Laptop: In the event that you should need a computer, you can visit the Information Technology Services (ITS) Learning Environments at <https://itservices.usc.edu/spaces/laptoploaner/> for more information on the USC Computing Center Laptop Loaner Program.

Required Readings and Supplementary Materials:

1. Required:

All You Need to Know About the Music Business (10th Ed., 2019), Donald S. Passman
ISBN-13: 978-1501122187.

Available: USC Bookstore, Amazon, Barnes & Noble. A copy is also on course reserve in the Music Library located on the first floor of the Doheny Library.

2. Required:

Introduction to Music Publishing for Musicians: Business and Creative Perspectives for the New Music Industry (Music Pro Guides) (1st Ed., 2021), Bobby Borg and Michael Eames

AMAZON (includes a Kindle digital version)

https://www.amazon.com/Introduction-Music-Publishing-Musicians-Perspectives/dp/1538153394/ref=sr_1_1?crid=3QIB2Q4128AJN&keywords=introduction+to+music+publishing&qid=1659207360&s=books&sprefix=introduction+to+music+publishin%2Cstripbooks%2C123&sr=1-1

3. Required:

Selected Reading Materials (available soon)

4. Required:

The Elements of Style (4th Ed., 2019), Strunk and White
ISBN-13: 978-0205309023

Available: USC Bookstore, Amazon, Barnes & Noble.

5. Required:

MUSIC INDUSTRY TRADES/BLOGS/GOVT. WEBSITES

<https://www.hollywoodreporter.com/e/thr-esq/>

<https://musicindustryblog.wordpress.com/>

<https://variety.com/v/music/>

<https://www.musicbusinessworldwide.com/>

<https://musictechpolicy.com/>

https://linktr.ee/artistrightswatchpod?utm_source=linktree_profile_share&itsid=c2d5945b-572d-45f5-a176-220d03ffa47e

<https://www.recordingacademy.com/advocacy>

<https://www.digitalmusicnews.com/>

<https://copyrightalliance.org/>

<https://www.billboard.com/>

<https://www.hypebot.com/>

<https://www.pollstar.com/>

<https://www.ascap.com/>

<https://www.aimp.org/>

<https://theccc.org/>

GOVT.

<https://www.copyright.gov/>

<https://www.uspto.gov/>

<https://www.sos.ca.gov/>

6. Recommended:

Music Money and Success (8th Ed., 2018), Jeffrey and Todd Brabec
ISBN: 978-1787601383.

Available: USC Bookstore, Amazon, Barnes & Noble. A copy is also on course reserve in the Music Library located on the first floor of the Doheny Library.

Description and Assessment of Assignments:

15% - In-class assignments, presentations and discussion

As a record of active participation and attendance, there will be weekly discussion of current topics concerning legal and business aspects of copyright in the music industry. There may occasionally be in-class work products completed individually or in teams. For teamwork, all members will receive the same grade for the work product. In-class work may be assigned at any point during the class; students who miss the assignment due to arriving late or leaving early will not have an opportunity to make up the work. In-class assignments may require the use of an internet enabled device. Another in class assignment will be the weekly monitoring of industry business and legal issues in the trades. It will require each student to present these current and cutting-edge developments to the class, and to be able to answer questions about the subject matter (5" max).

10% - Quizzes

There will be two (2) quizzes (5% each) which will be any combination of short answers, essays, multiple choice and/or T/F. These quizzes may be announced or unannounced. They may include any matter addressed in class, including student presentations or course readings.

25% - Legal Issues Paper and In Class PowerPoint Presentation/Q&A

There will be one (1) brief policy paper assignment, which will emphasize research and advocacy for both sides of an infringement case and/or other legal issue. The students will create a 5" (max) PowerPoint based on the research subject, which shall be presented to the class. Each student must be prepared to defend and explain all sides of their issue in a Q&A session, not to exceed 5". A minimum of five (5) authorities must be cited in the paper and the PowerPoint.

25% - Research / Term Paper

This is a research paper addressing historical or current issues/aspects/conflicts germane to business and legal aspects of artist's rights, from music and recording copyrights, to trademark, name and likeness rights and other intellectual property rights in the music industry. This will be a thesis paper, requiring you to take a position, and construct a persuasive argument in its advocacy. It is a requirement that you submit/discuss your topic to me in a timely manner (i.e., *before* you begin writing!), and that it is approved.

Factors such as following MLA style, grammar, spelling, proofreading, organization, depth of key details, argument support and quality of source material will all impact the grade.

25% - Final Exam

There will be one final exam (25%). Exams are based on class lectures and discussions. Exams typically consist of short answer and essay questions. Exam attendance is **NOT** voluntary. The exams must be taken during the scheduled times and may not be made up at a later date. Except in the case of a verifiable emergency (subject to instructor approval, documented proof, and applicable USC policies), failure to attend an exam will earn a zero.

Grading Breakdown:

| Assignment | % of Grade |
|--------------------------------------|------------|
| In-Class Assignments/Presentations | 15% |
| Quizzes | 10% |
| Legal Issues Paper/Presentations/Q&A | 25% |
| Research /Term Paper | 25% |
| Final Exam | 25% |
| TOTAL | 100% |

Grading Scale (final course grade):

A = 100-94; A- = 93-90
 B+ = 89-87; B = 83-86; B- = 80-82
 C+ = 79-77; C = 73-76; C- = 70-72
 D+ = 69-67; D = 63-66; D- = 60-62
 F = 59 or below

Assignment Submission Policy:

MLA Formatting: All in-class assignments and research / term paper will be submitted per MLA style guidelines, which shall include, but not be limited to, in- text parenthetical citations, page numbering, double-spacing, with one (1) inch margins and 12 pt. Times New Roman font, a title/cover page and a properly formatted works cited. The USC Libraries has created a valuable [MLA citation guide](#) to familiarize you with the MLA format.

Late Assignments: Due dates for every assignment are provided on the course syllabus, assignment description, and posted in Blackboard. Assignments are due by the stated due date and time, except in the case of a verifiable emergency (subject to instructor/department approval, documented proof, and applicable USC policies.) Personal plans, employment, minor illnesses, flights home, music festival attendance and vacation plans are not considered verifiable emergencies. **Take care when making your plans.**

Late postings for the research / term paper are accepted, though penalized 10 points per day* (24 hours after due date and time). After 5 days past the due date and time, the assignment score will become a zero (0).

*The purpose of this allowance is to give you sufficient room and respect as an adult to manage the outcome of your own decisions, sick or not, without the need to notify me.

All exams **must** be taken during the scheduled days and times and may not be made up at a later date. A zero (0) will be earned for each missed exam.

Grading Timeline

I will endeavor to have all exams, homework and in-class assessments graded and returned within two weeks. Secondly, research term-papers will be returned within one-month of term paper submission.

Technology Policy

Students are required to bring an internet-enabled device with browser and Blackboard capabilities, such as a cell phone or a laptop to class. If you require an internet-enabled device please visit, the [USC Laptop Loaner Program](#). We are all adults joining in the class environment for the purpose of learning. It will be the policy that use of **electronic devices** while in session will be limited to note taking, in-class research and in-class assignments. Please conduct personal emailing, text messaging, web browsing, instagramming, facebooking, tweeting, video gaming and whatever new

disruptive social or anti-social medium is created **outside** of class and class time. **If this becomes a problem, I reserve the right to deny the use of all such devices in class for everyone.**

Classroom Norms

Actual positive participation in class is the goal.

- Respect others' rights to hold opinions and beliefs that differ from your own. When you disagree, challenge or criticize the idea, not the person.
- Listen carefully to what others are saying even when you disagree with what is being said. Comments that you make (asking for clarification, sharing critiques, expanding on a point, etc.) should reflect that you have paid attention to the speaker's comments.
- Be courteous. Don't interrupt or engage in private conversations while others are speaking. Use attentive, courteous body language.
- Support your statements. Use evidence and provide a rationale for your points.
- Share responsibility for including all voices in the discussion. If you have much to say, try to hold back a bit; if you are hesitant to speak, look for opportunities to contribute to the discussion.
- Recognize that we are all still learning. Be willing to change your perspective, and make space for others to do the same.

Modality / Synchronous / Asynchronous learning

This course is being offered in an in-person modality. Please be attentive to the class attendance policy found in this syllabus. - However, if on any day you are ill, please stay home and get the class notes from your colleagues. Our class is not being recorded. ~~or otherwise cannot complete~~

Sharing of course materials outside of the learning environment

USC has a policy that prohibits sharing of any synchronous and asynchronous course content outside of the learning environment. Please do not share or otherwise distribute class materials, music scores or recordings produced by me or any students in the conduct of this course without expressed permission.

SCampus Section 11.12(B)

DISTRIBUTION OR USE OF NOTES OR RECORDINGS BASED ON UNIVERSITY CLASSES OR LECTURES WITHOUT THE EXPRESS PERMISSION OF THE INSTRUCTOR FOR PURPOSES OTHER THAN INDIVIDUAL OR GROUP STUDY IS A VIOLATION OF THE USC STUDENT CONDUCT CODE. THIS INCLUDES, BUT IS NOT LIMITED TO, PROVIDING MATERIALS FOR DISTRIBUTION BY SERVICES PUBLISHING CLASS NOTES. THIS RESTRICTION ON UNAUTHORIZED USE ALSO APPLIES TO ALL INFORMATION, WHICH HAD BEEN DISTRIBUTED TO STUDENTS OR IN ANY WAY HAD BEEN DISPLAYED FOR USE IN RELATIONSHIP TO THE CLASS, WHETHER OBTAINED IN CLASS, VIA EMAIL, ON THE INTERNET OR VIA ANY OTHER MEDIA. (SEE SECTION C.1 CLASS NOTES POLICY).

Course evaluation

Student feedback is essential to making this course the best it can be. Students will have an opportunity to submit comments on the mid-semester evaluation and the standard USC course evaluation survey at the end of the semester.

NOTICE: Instructor reserves the right to revise these specific dates, topics, assignments and any other elements of this Syllabus, at any time, in order to meet the greater class priorities, as the course progresses:

Course Schedule: A Weekly Breakdown (Subject to Change)

| Class # | Day | Date | Topics | Reading / Homework Due |
|---------|-----|---------|---|--|
| 1 | T | Aug. 23 | Syllabus, Class Overview & Introduction | |
| 2 | Th | Aug. 25 | <p>Discussion re course assignments and goals</p> <p>Background/Legislative Process/Big Tech Influence</p> <p>IP Landscape Current Issues – where to find them - Blogs</p> <p>Writing opportunities in Journal re Legal Issues</p> <p>Introductions by Class Members</p> | <p>Artist's Rights:</p> <p>-Go to US Copyright Office Website – Review Timeline and SR (sound recording) & PA (composition) forms and instructions</p> <p>https://www.copyright.gov/timeline/</p> <p>-Scan through US Copyright Title 17 – See highlighted sections (focus on DMCA, MMA) (Attachment in BBL or email)</p> <p>-Go to this RA website and review current legal issues facing artists and legislative solutions:</p> <p>https://www.recordingacademy.com/advocacy/issues-policy</p> <p>-Prepare Class Assignment 1 (written assignment due in 1 week on 9/1)</p> <p>-Review Blogs for current legal and business issues</p> |
| 3 | T | Aug. 30 | <p>Finish Class Introductions</p> <p>Discussion re Assignment 2 - Videos re IP, Copyright, TM, N&L Rights, Trade Secrets</p> <p>Attorney presentation on IP in general</p> <p>Stan Muller - IP Stan Muller - ©</p> <p>BHBA panel discussion re N&L Rights</p> | <p>Continue prior readings...</p> <p>-Examine Copyright Act & US Copyright Office Website and the timeline and SR/PA forms and instructions.</p> <p>https://www.copyright.gov/timeline/</p> <p>-Passman 212-213 & Ch 15, 16, 17</p> <p>https://www.youtube.com/watch?v=EUo4G1lw-w8&t=34s</p> <p>IP crash course video https://www.youtube.com/watch?v=Tamoj84j64l</p> <p>https://www.youtube.com/watch?v=QtW5JNCJKgg</p> |

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|----|----|---------|---|--|
| | | | Opinion #2 re N&L R (record deal context) | https://www.youtube.com/watch?v=ycPR2ceTI70&t=4s -Prepare Class Assignment 2 (for 9/8 deadline) -Review Blogs |
| 4 | Th | Sep. 1 | Discussion re Copyright: Bundle of Rights & Revenue Streams | Turn in Assignment 1 in class and Email to anitariv@usc.com -Review Blogs |
| 5 | T | Sep. 6 | Copyright Law - History & Policy | US Copyright Act ("USCA") - Review Blogs - DMCA – Youtube https://www.youtube.com/watch?v=MCodRWoavoc&t=15s |
| 6 | Th | Sep. 8 | Copyright Law - History & Policy II | USCA -Review Blogs Turn in Assignment 2 |
| 7 | T | Sep. 13 | Advanced Copyright Concepts I | Passman Ch. 19-20 USCA -Review Blogs |
| 8 | Th | Sep. 15 | Advanced Copyright Concepts II | -P 307-10 USCA -Review Blogs -Review/Brief Cases |
| 9 | T | Sep. 20 | Copyright Infringement I | -Review Blogs -Review/Brief Cases |
| 10 | Th | Sep. 22 | Copyright Infringement II | -Review Blogs -Review/Brief Cases |
| 11 | T | Sep. 27 | Film on Artist Rights – Part I | -Review Blogs -Take Home Quiz |
| 12 | Th | Sep. 29 | Copyright Infringement III | -Review Blogs -Review/Brief Cases |
| 13 | T | Oct. 4 | Copyright Infringement IV | -Review Blogs -Review/ Brief Cases |
| 14 | Th | Oct. 6 | Speaker | -Review Blogs |
| 15 | T | Oct. 11 | Film on Artist Rights - Part II / Take Home Quiz | -Review Blogs Paper & PowerPoint Due |
| | Th | Oct. 13 | Fall Recess – NO CLASS | -Review Blogs |
| 16 | T | Oct. 18 | Class PowerPoint Presentations | -Review Blogs |

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|----|----|---------|--|--|
| 17 | Th | Oct. 20 | Class PowerPoint Presentations | -Review Blogs |
| 18 | T | Oct. 25 | MMA & MLC, Copyright Small Claims (Case Act) | -Review Blogs P 239-41/330-31 USCA |
| 19 | Th | Oct. 27 | International IP Treaties / Moral Rights /Neighboring Rights /Orphan Works | USCA -Review Blogs |
| 20 | T | Nov. 1 | R of Publicity/ N&L Rights & Other IP and Ancillary Rights | https://www.youtube.com/watch?v=AtMP6xF4Z8Q -Review Blogs |
| 21 | Th | Nov. 3 | Trademark Filing & Infringement | USPTO -Review Blogs |
| 22 | T | Nov. 8 | Trademark Filing & Infringement / Speaker (Expert TM litigator) | USPTO -Review Blogs |
| 23 | Th | Nov. 10 | CA Revised Uniform Partnership Act - Bands and partnerships, assets, contributions, obligations & rights – form groups | -Review Blogs |
| 24 | T | Nov. 15 | Each group GM or co-GMs present terms to class and present their findings | -Review Blogs |
| 25 | Th | Nov. 17 | The Future of Copyright | PAPER DUE |
| 26 | T | Nov. 22 | TBA | -Review Blogs |
| | Th | Nov. 24 | Thanksgiving Recess – NO CLASS | -Review Blogs |
| 27 | T | Nov. 29 | The Future of Music | -Review Blogs |
| 28 | Th | Dec. 1 | Review or speaker | -Review Blogs |

* The final exam date/time is my best estimate for now. Final exam scheduling is strictly subject to both USC and Thornton School of Music/Music Operations' official exam schedule, location instructions and policies.

Academic Conduct:

Plagiarism – presenting someone else's ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in SCampus in Part B, Section 11, "Behavior Violating University Standards" policy.usc.edu/scampus-part-b. Other forms of academic dishonesty are equally unacceptable. See additional information in SCampus and university policies on scientific misconduct, policy.usc.edu/scientific-misconduct.

Discrimination, sexual assault, intimate partner violence, stalking, and harassment are prohibited by the university. You are encouraged to report all incidents to the *Office of Equity and Diversity/Title IX Office* and/or to the *Department of Public Safety*. This is important for the health and safety of the whole USC community. Faculty and staff must report any information regarding

an incident to the Title IX Coordinator who will provide outreach and information to the affected party.

Support Systems:

Student Health Counseling Services - (213) 740-7711 – 24/7 on call

engemannshc.usc.edu/counseling

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

National Suicide Prevention Lifeline - 1 (800) 273-8255 – 24/7 on call

suicidepreventionlifeline.org

Free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week.

Relationship and Sexual Violence Prevention Services (RSVP) - (213) 740-4900 – 24/7 on call

engemannshc.usc.edu/rsvp

Free and confidential therapy services, workshops, and training for situations related to gender-based harm.

Office of Equity and Diversity (OED) | Title IX - (213) 740-5086

equity.usc.edu, titleix.usc.edu

Information about how to get help or help a survivor of harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants. The university prohibits discrimination or harassment based on the following protected characteristics: race, color, national origin, ancestry, religion, sex, gender, gender identity, gender expression, sexual orientation, age, physical disability, medical condition, mental disability, marital status, pregnancy, veteran status, genetic information, and any other characteristic which may be specified in applicable laws and governmental regulations.

Bias Assessment Response and Support - (213) 740-2421

studentaffairs.usc.edu/bias-assessment-response-support

Avenue to report incidents of bias, hate crimes, and microaggressions for appropriate investigation and response.

The Office of Disability Services and Programs - (213) 740-0776

dsp.usc.edu

Support and accommodations for students with disabilities. Services include assistance in providing readers/notetakers/interpreters, special accommodations for test taking needs, assistance with architectural barriers, assistive technology, and support for individual needs.

USC Support and Advocacy - (213) 821-4710

studentaffairs.usc.edu/ssa

Assists students and families in resolving complex personal, financial, and academic issues adversely affecting their success as a student.

Diversity at USC - (213) 740-2101

diversity.usc.edu

Information on events, programs and training, the Provost's Diversity and Inclusion Council, Diversity Liaisons for each academic school, chronology, participation, and various resources for students.

USC Emergency - UPC: (213) 740-4321, HSC: (323) 442-1000 – 24/7 on call

dps.usc.edu, emergency.usc.edu

Emergency assistance and avenue to report a crime. Latest updates regarding safety, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible.

USC Department of Public Safety - UPC: (213) 740-6000, HSC: (323) 442-120 – 24/7 on call

dps.usc.edu

Non-emergency assistance or information.