



LAW 311: Fundamentals of Entertainment Law

Units: 4

Fall 2024

Day—Time: Tuesday and Thursday 12-1:50 PM

Location: Law Building, Room 101

Instructor: Professor Nader Khorassani

Teaching Assistant: Arianna Benitez

Office Hours: By Appointment

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Course Description

The course examines the key legal principles that govern the entertainment industry. Students will be able to explore the legal challenges faced by professionals in music, film, television, social media, and other areas of entertainment. The course will involve a foundational coverage of the following areas: Entertainment contracts, intellectual property rights, rights of publicity, defamation, and music.

Learning Objectives

- Explore the core concepts of intellectual property (copyrights, trademarks, and the First Amendment) in entertainment, covering topics such as an ownership, licensing, and legal protection.
- Grasp the legal protections surrounding individuals' images and privacy, all while navigating the delicate balance between these rights and the freedom of speech.
- Familiarize yourself with defamation laws as they apply to the entertainment industry, including what's permissible and what's not in creative works.
- Acquire an understanding of the fundamental principles governing entertainment contracts, including formation and negotiation.
- Gain a basic understanding of unique issues relating to the music industry

Required Readings

Textbooks:

Burr, S., (2021) Entertainment Law in a Nutshell (Nutshells) 5th Edition, West Academic Publishing
Appleton, D. and Yankelevits, D. Hollywood Dealmaking: Negotiating Talent Agreements for Film, TV, and Digital Media, 3rd Edition, Allworth

Description and Assessment of Assignments

Participation (10%)

Active participation accounts for 10% of your final grade. Participation will be evaluated during class discussions. You will be expected to engage with both me and your classmates – including dialogue and collaboration. You will be expected to come to class prepared with questions, answers, and ideas related to the day's assigned readings or class materials.

Midterm (30%)

The midterm will consist of multiple-choice questions and essay questions, designed to evaluate your understanding of the course materials covered during the first 6 weeks of classes.

Mock Negotiation (10%)

Students will participate in a mock negotiation designed to evaluate their understanding of the major deal points relating to entertainment contracts and their ability to problem-solve.

Final Project (50%)

The final project in this course will encompass both a written component and an in-class presentation. Students will have the opportunity to pick a topic of their choosing for the final project. The written portion should consist of an 8 - 10 page report, allowing students to delve into their chosen aspect of entertainment law. The written report will be due on the last day of class at 11:59 PM on Brightspace. Additionally, students will deliver a 5-7 minute in-class presentation, providing a platform for sharing their findings, analysis, and insights with the class. Students will have the opportunity to sign up for final project presentations time slots, which will take place during the last two weeks of the course. The written component will account for 75%, and the in-class presentation will account for 25% of the final project grade.

Grading Breakdown

| Assessment Tool (assignments) | % of Grade |
|--------------------------------------|-------------------|
| In-class participation | 10% |
| Midterm | 30% |
| Mock Negotiation | 10% |
| Final Project | 50% |
| TOTAL | 100% |

Grading Scale

| Letter grade | Corresponding numerical point range |
|--------------|-------------------------------------|
| A | 93-100 |
| A- | 90-92 |
| B+ | 87-89 |
| B | 83-86 |
| B- | 80-82 |
| C+ | 77-79 |
| C | 73-76 |
| C- | 70-72 |
| D+ | 67-69 |
| D | 63-66 |
| D- | 60-62 |
| F | 59 and below |

Grading Timeline

Your midterm exam grade will be returned to you within two weeks following the test. Your Mock Negotiation grade will be provided within 1 week of the negotiation. When it comes to the final project and participation grade, expect to receive your feedback and grades before the official USC semester grades are due to the Registrar. All grades can be viewed on our course's Brightspace.

Attendance

Attendance at every class meeting is important for engaging with the course materials and fellow students. You're allowed one excused absence for unexpected situations. However, multiple absences can affect your grade and class participation. If you are unable to attend class, please inform the instructor in advance and review missed material.

Late Submissions

Students are required to submit their assignments on time. Any assignments submitted past the due date will have 10% of their score deducted for each day that passes after the deadline. Any assignments submitted more than 3 days late will receive a score of 0.

Artificial Intelligence

This course aims to develop creative, analytical, and critical thinking skills. Therefore, all assignments should be prepared by the student working individually or in groups. Students may not have another person or entity complete any substantive portion of the assignment. Developing strong competencies in these areas will prepare you for a competitive workplace. Therefore, using AI-generated text, code, or other content is prohibited in this course, will be identified as plagiarism, and will be reported to the Office of Academic Integrity.

Course Evaluations

You will have an opportunity to complete a course evaluation at the end of the semester. Your completion of this evaluation is greatly appreciated and will assist in making improvements for future classes.

Course Schedule

| | Topics/Daily Activities | Readings/Preparation |
|------|--|--|
| 8/27 | Introduction: Class overview and Introductions | <ol style="list-style-type: none">1. What Is Entertainment Law? https://www.theforage.com/blog/careers/entertainment-law2. Media & Entertainment Industry: An Overview https://avasant.com/insights/publications/technology-optimization/media-entertainment-industry-an-overview/ |
| 8/29 | Introduction to Television | Ken Basin, The Business of Television – Chapter 1, available here |
| 9/3 | Introduction to Film | Burr – Chapter 1 |
| 9/5 | Introduction to Guilds and Music | <ol style="list-style-type: none">1. Burr – Chapter 32. Burr – Chapter 7.D (pages 257 – 278) |
| 9/10 | First Amendment Fundamentals | Fundamental First Amendment Principles https://advance-lexis-com.libproxy1.usc.edu/api/permalink/3d83fb54-7f02-4b75-af09-a91b6dd540c9/?context=1519360&identityprofileid=TGZ2RX51364 |
| 9/12 | First Amendment and Censorship | <ol style="list-style-type: none">1. Burr – Chapter 52. Censorship, https://entertainmentlaw.uslegal.com/censorship/3. First Amendment and Censorship https://entertainmentlaw.uslegal.com/censorship/first-amendment-and-censorship/ |
| 9/17 | Intellectual Property I: Copyright | Burr – Chapter 6A-B.4 (to page 191) |
| 9/19 | Intellectual Property II: Copyright (Continued) | <ol style="list-style-type: none">1. Burr – Chapter 6.B.5-7 (pages 191-218)2. US Copyright Office Fair Use Index, https://www.copyright.gov/fair-use/ |
| 9/24 | Intellectual Property III: Trademark and Merchandising | <ol style="list-style-type: none">1. Burr – Chapter 6.C-E (pages 218 to end)2. From Script to Screen: What Role for Intellectual Property? https://www.wipo.int/pressroom/en/stories/ip_and_film.html |

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|-------|--|--|
| 9/26 | Celebrity Status - Right of Publicity | <ol style="list-style-type: none"> 1. Burr – Chapter 10.A-B.2 (pages 363-384) 2. The Right of Publicity https://www.venable.com/insights/publications/ip-quick-bytes/the-right-of-publicity#:~:text=The%20right%20of%20an%20individual,financial%20interest%20in%20their%20identity |
| 10/1 | Celebrity Status – Defamation | <ol style="list-style-type: none"> 1. Burr – Chapter 10.A-B.2 (pages 363-384) 2. Fox News settles blockbuster defamation lawsuit with Dominion Voting Systems https://www.npr.org/2023/04/18/1170339114/fox-news-settles-blockbuster-defamation-lawsuit-with-dominion-voting-systems |
| 10/3 | Review | Prepare any questions/topics to review |
| 10/8 | MIDTERM | |
| 10/15 | Entertainment Contracts I (Scripted Talent) | Ken Basin, The Business of Television – Chapter 5.A-C, available here |
| 10/17 | Entertainment Contracts II (Scripted Talent Continued) | Ken Basin, The Business of Television – Chapter 5.D-G, available here |
| 10/22 | Entertainment Contracts III: Unscripted | Ken Basin, The Business of Television – Chapter 10.A-B, available here |
| 10/24 | Entertainment Contracts IV: Unscripted (Continued) | Ken Basin, The Business of Television – Chapter 10.C-D, available here |
| 10/29 | Entertainment Contracts V: Film | Appleton and Yankelevits – Chapters 6 – 7 |
| 10/31 | Entertainment Contracts VI: Film (Continued) | Appleton and Yankelevits – Chapter 8 Final Project Presentation Topics Due |
| 11/5 | Mock Negotiations | |
| 11/7 | Mock Negotiations | |
| 11/12 | Music (Songwriting and Publishing) | Passman, D. – All You Need to Know about the Music Business (Chapters 16-18) https://ebookcentral.proquest.com/lib/socal/detail.action?docID=5701133#goto_toc |
| 11/14 | Music (Recording Artists) | Passman, D. – All You Need to Know about the Music Business (Chapters 7-10) https://ebookcentral.proquest.com/lib/socal/detail.action?docID=5701133#goto_toc |
| 11/19 | Creators and Social Media | Understanding the Creator Economy, https://grin.co/blog/understanding-the-creator-economy/ |
| 11/21 | Generative AI in entertainment | <ol style="list-style-type: none"> 1. Entertainment and Media Guide to AI, Film and TV https://www.reedsmith.com/en/perspectives/ai-in-entertainment-and-media/2023/06/film-and-tv 2. Entertainment and Media Guide to AI, Music https://www.reedsmith.com/en/perspectives/ai-in-entertainment-and-media/2023/06/music 3. Music labels' AI lawsuits create copyright puzzle for courts, https://www.reuters.com/legal/music-labels-ai-lawsuits-create-new-copyright-puzzle-us-courts-2024-08-03/ |
| 11/26 | FINAL PROJECT PRESENTATIONS (Part 1) | FINAL PROJECT PRESENTATIONS (PART 1) |
| 12/3 | FINAL PROJECT PRESENTATIONS (Part 2) | FINAL PROJECT PRESENTATIONS (PART 2) |

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|------|--------------------------------------|---|
| 12/5 | FINAL PROJECT PRESENTATIONS (Part 3) | FINAL PROJECT PRESENTATIONS (PART 3) Final Essay Due |
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Statement on Academic Conduct and Support Systems

Academic Integrity

The University of Southern California is foremost a learning community committed to fostering successful scholars and researchers dedicated to the pursuit of knowledge and the transmission of ideas. Academic misconduct is in contrast to the university's mission to educate students through a broad array of first-rank academic, professional, and extracurricular programs and includes any act of dishonesty in the submission of academic work (either in draft or final form).

This course will follow the expectations for academic integrity as stated in the [USC Student Handbook](#). All students are expected to submit assignments that are original work and prepared specifically for the course/section in this academic term. You may not submit work written by others or "recycle" work prepared for other courses without obtaining written permission from the instructor(s). Students suspected of engaging in academic misconduct will be reported to the Office of Academic Integrity.

Other violations of academic misconduct include, but are not limited to, cheating, plagiarism, fabrication (e.g., falsifying data), knowingly assisting others in acts of academic dishonesty, and any act that gains or is intended to gain an unfair academic advantage.

Academic dishonesty has a far-reaching impact and is considered a serious offense against the university. Violations will result in a grade penalty, such as a failing grade on the assignment or in the course, and disciplinary action from the university itself, such as suspension or even expulsion.

For more information about academic integrity see the [student handbook](#) or the [Office of Academic Integrity's website](#), and university policies on [Research and Scholarship Misconduct](#).

Please ask your instructor if you are unsure what constitutes unauthorized assistance on an exam or assignment or what information requires citation and/or attribution.

Course Content Distribution and Synchronous Session Recordings Policies

USC has policies that prohibit recording and distribution of any synchronous and asynchronous course content outside of the learning environment.

Recording a university class without the express permission of the instructor and announcement to the class, or unless conducted pursuant to an Office of Student Accessibility Services (OSAS) accommodation. Recording can inhibit free discussion in the future, and thus infringe on the academic freedom of other students as well as the instructor. ([Living our Unifying Values: The USC Student Handbook](#), page 13).

Distribution or use of notes, recordings, exams, or other intellectual property, based on university classes or lectures without the express permission of the instructor for purposes other than individual or group study. This includes but is not limited to providing materials for distribution by services publishing course materials. 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 relation to the class, whether obtained in class, via email, on the internet, or via any other media. Distributing course material without the instructor's permission will be presumed to be an intentional act to facilitate or enable academic dishonesty and is strictly prohibited. ([Living our Unifying Values: The USC Student Handbook](#), page 13).

Students and Disability Accommodations:

USC welcomes students with disabilities into all of the University's educational programs. [The Office of Student Accessibility Services](#) (OSAS) is responsible for the determination of appropriate accommodations for students who encounter disability-related barriers. Once a student has completed the OSAS process (registration, initial appointment, and submitted documentation) and accommodations are determined to be reasonable and appropriate, a Letter of Accommodation (LOA) will be available to generate for each course. The LOA must be given to each course instructor by the student and followed up with a discussion. This should be done as early in the semester as possible as accommodations are not retroactive. More information can be found at osas.usc.edu. You may contact OSAS at (213) 740-0776 or via email at osasfrontdesk@usc.edu.

Student Financial Aid and Satisfactory Academic Progress

To be eligible for certain kinds of financial aid, students are required to maintain Satisfactory Academic Progress (SAP) toward their degree objectives. Visit the [Financial Aid Office webpage](#) for [undergraduate-](#) and [graduate-level](#) SAP eligibility requirements and the appeals process.

Support Systems

[Counseling and Mental Health](#) - (213) 740-9355 – 24/7 on call

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

[988 Suicide and Crisis Lifeline](#) - 988 for both calls and text messages – 24/7 on call

The 988 Suicide and Crisis Lifeline (formerly known as the National Suicide Prevention Lifeline) provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week, across the United States. The Lifeline consists of a national network of over 200 local crisis centers, combining custom local care and resources with national standards and best practices. The new, shorter phone number makes it easier for people to remember and access mental health crisis services (though the previous 1 (800) 273-8255 number will continue to function indefinitely) and represents a continued commitment to those in crisis.

[Relationship and Sexual Violence Prevention Services \(RSVP\)](#) - (213) 740-9355(WELL) – 24/7 on call

Free and confidential therapy services, workshops, and training for situations related to gender- and power-based harm (including sexual assault, intimate partner violence, and stalking).

[Office for Equity, Equal Opportunity, and Title IX \(EEO-TIX\)](#) - (213) 740-5086

Information about how to get help or help someone affected by harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants.

[Reporting Incidents of Bias or Harassment](#) - (213) 740-2500

Avenue to report incidents of bias, hate crimes, and microaggressions to the Office for Equity, Equal Opportunity, and Title for appropriate investigation, supportive measures, and response.

[The Office of Student Accessibility Services \(OSAS\)](#) - (213) 740-0776

OSAS ensures equal access for students with disabilities through providing academic accommodations and auxiliary aids in accordance with federal laws and university policy.

[USC Campus Support and Intervention](#) - (213) 740-0411

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

[Diversity, Equity and Inclusion](#) - (213) 740-2101

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

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) 442-1200 – 24/7 on call

Non-emergency assistance or information.

[Office of the Ombuds](#) - (213) 821-9556 (UPC) / (323-442-0382 (HSC)

A safe and confidential place to share your USC-related issues with a University Ombuds who will work with you to explore options or paths to manage your concern.

[Occupational Therapy Faculty Practice](#) - (323) 442-2850 or otfp@med.usc.edu

Confidential Lifestyle Redesign services for USC students to support health promoting habits and routines that enhance quality of life and academic performance.