

Course Syllabus

American Entertainment Law

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Faculty of Law

April 28 – May 2, 2025

SYLLABUS

Course Objectives: This Course will introduce students to the basic structure and primary distinguishing features of laws relating to the entertainment industry in the United States of America. Over the course of five class meetings, students will be introduced to current law and best practices as they apply to different sectors of the entertainment industry in America.

The first class-meeting will begin with an overview of the American legal system, including the Constitutional jurisprudence that governs free expression and the creative arts. The remaining four class-meetings will segment entertainment law by the structure of the U.S.-based entertainment industry, broadly addressing regulations of content and distribution for film, television, music and digital devices.

Expected Student Learning Outcomes: Students completing this Course can expect to learn the latest developments in American entertainment law. This includes issues relating to online streaming, social media entertainment and artificial intelligence. The goal of this course is to put students in a front-row seat to the latest and best practices of writers, producers and talent in a real-world context. Students will learn doctrinal law, union guild rules and the anatomy of an entertainment deal.

Text and Other Resources: Selected Course readings have been prepared and will be distributed prior to and during the course. Students will receive written materials that cover the gamut of course topics. These readings will include excerpts from the U.S. Constitution, U.S. federal statutes like the Copyright Act of 1976 and the federal trademark act, and state laws governing the rights of publicity, defamation and privacy rights. The written materials will also include edited court opinions that interpret the primary legislative and common law sources of entertainment law.

Course Schedule: The Course will meet for five sessions, starting Monday, April 28 through Friday, May 2, 2025, in two-hour Course meetings from 16:00 to 18:00, Lisbon time.

Daily Topics:

- **Monday, April 28** The U.S. Constitution, Copyright clause and the First Amendment. Freedom of expression and intellectual property. Copyright and trademark law basics. Fair use: the case of Andy Warhol's *Orange Prince*. Publicity rights.
- **Tuesday, April 29** The Film Industry. Film censorship and the Motion Picture Association's rating system. Ideas vs. expression. Negotiating the movie deal. SAG-AFTRA and the Writers' Guild Agreements. Clearance and location shooting. The case of *The Red Kimono*.
- **Wednesday, April 30** The structure of the radio and television business. The Federal Communications Commission. Network television and the syndication marketplace. Indecency regulations. Copycat liability: the case of *Beavis and Butthead*. The V-Chip.

Children's television requirements. The economics of broadcasting, cable/satellite, and OVD (online video distribution).

- **Thursday, May 1** The Music Industry. Signing a record label deal. Music streaming sites. Music sampling. Substantial similarity copyright litigation: the case of George Harrison's *My Sweet Lord* and the Chiffons' *He's So Fine*. Protecting the "vibe": challenging Robin Thicke, Ed Sheeran, and Lizzo. Fair use and parody: the case of *Oh, Pretty (Ugly) Woman*.
- **Friday, May 2** Digital creation and distribution: artificial intelligence, social media, and the future of the entertainment industry. Final exam (last hour).

Class Attendance: Students are expected to attend all five of the Course sessions. One absence may be excused by the Erasmus administration based on a valid reason.

Course Format, Expectations, and Student Assessment: As noted above, the class will be presented in the lecture-discussion format, including the traditional Socratic and case methods. Our discussions will take us beyond the relevant descriptive information of American entertainment law and industry practice. Students are encouraged to prepare for class by completing the assigned reading materials prior to each class. Some discussions may require students to break into small groups to address an in-class assignment.

Because class participation is valued as a teaching tool, it will be included in the final grades (see **Course Grading** below).

Final Exam: The course will conclude with a final exam consisting of 30 short-answer or multiple-choice questions.

Course Grading: Students' grades will be administered according to the traditional numerical system in place at the University of Lisbon Law Faculty. Final grades in the course will be computed on the following basis: class participation 10%, final exam 90%.

Office Hours: Dr. Epstein will be available for private conversations with students by appointment. Dr. Epstein may be contacted most easily via e-mail at mepstein@swlaw.edu. Students are encouraged to e-mail at any time to discuss the course and any related topics of interest.