

ENTERTAINMENT LAW - QST LA 430E HW

Boston University in Los Angeles

Professor Yasmin F. Karimi, Esq.

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Course Description: Learning to speak “the law” is fundamental to your success in any aspect of the entertainment industry. The work created by your favorite producers, writers, singers and directors would be impossible to protect and monetize without an understanding of the rights afforded to creators through case law, legislative acts, guild agreements and established business practices. Dealmaking—the art of negotiating and executing how much a creator is paid and what continuing rights they have to their work—is guided and executed by agents, business affairs executives and private practitioners who all trade on a fundamental understanding of contract law, labor regulations, intellectual property and employment law, among others. “Entertainment law” is really a misnomer for the entire spectrum of law and business as it relates to the people, companies and products that work to entertain you.

Whether you intend to practice law or not, understanding the relevant law will ensure you won't be outmaneuvered in the dealmaking process. In addition to an understanding of contract and intellectual property law, you'll learn how to understand and negotiate the entertainment-specific contracts that come across the desks of agents, lawyers and BA executives on a daily basis, including but not limited to producer deal terms, appearance releases, option purchase agreements, and writer deals. **If you want to pursue a career in law, you'll walk away with a comprehensive understanding of your role in the creative process and how to best communicate with the creatives you'll represent. If you hope to pursue a career as a creative or business executive, you'll understand the lingo your reps use and understand the rights you have to best advocate for yourself.**

To best understand these concepts, we'll dive into the fundamentals of contract and intellectual property law and then explore the operations of a fictional production company in their pursuit of developing, selling, producing and exploiting a feature film. Throughout the course of this class, you will learn how to draft and negotiate offer letters, deal terms, “long form” agreements and production-specific releases. We'll dive into the financials of such transactions in light of the current economic climate so that you have a sense of how much creators are currently being paid and how to structure your own offers in the future. We will engage in several practice negotiations of such agreements to ensure you're prepared for whatever role you pursue in the future.

In advance of the first class, please come ready to discuss where you're currently working, what experience you have (if any) with law, and why you're taking this course. This will allow me to tailor the course to your individual needs so you get the most out of our time together.

Class Meetings, Participation & Contact Information: Class meets every Thursday evening from 7:30 pm - 10 pm (with the exception of March 30, 2022). This class is intended to be an interactive on-going discussion between us, *not* a lecture. Given the small size of the class, you

are expected to come prepared and ready to actively participate in class discussions, debates and negotiations. Cell phone use is discouraged. Attendance and participation is mandatory and accounts for 50% of your grade. If you anticipate that you may miss a course, please send me an email in advance.

Textbook & Reading: We will primarily use “*Hollywood Dealmaking: Negotiating Talent Agreements for Film, TV, and Digital Media*” (Third Edition) by Dina Appleton and Daniel Yankelvits. This is a practical, no-nonsense resource that you’ll be able to refer back to as you proceed with your career in entertainment. Additional reading will be provided to you directly and emailed out prior to the next class.

I highly encourage you stay up-to-date on industry trade papers like *The Hollywood Reporter*, *Deadline* and/or *Variety* (and/or subscription-based sites like Puck News and The Ankler) to get a sense of current events in the industry and what is at the forefront of dealmakers’ minds. If Podcasts are your thing, “The Town with Matt Belloni,” “The Business with Kim Masters” and “The Ankler” are excellent “inside baseball” resources.

If any subject is of interest to you at any point during the semester, or you come across a particular “pain point” during your current internships, you are highly encouraged to send it to me and we can dive deeper into that issue during class. At times, podcasts, documentaries, or episodes of relevant television may be assigned. Please do your best to watch/listen to these prior to the next class.

Grading: Class participation, preparation and discussion will account for 50% of your grade. A mid-term will constitute 25% of your grade and a final exam will constitute the remaining 25%. Both exams will test your understanding of the law, guild regulations, practical business considerations and common entertainment contracts.

Please note the syllabus is subject to change at any point during the semester. I will do my best to inform you of any changes and send out a revised syllabus periodically.

DATE	SUBJECTS COVERED	READING
Class 1: January 26	Who Are Entertainment Lawyers and What do They Do? <ul style="list-style-type: none"> ● Introductions ● The Current Landscape of the Entertainment Industry ● The Role of the Entertainment Lawyer ● Overview of the Course ● How We Protect Ideas 	<i>Hollywood Dealmaking</i> , Chapters 1-2 and Appendix B, plus assigned readings
Class 2: February 2	What are Entertainment Contracts? An Overview <ul style="list-style-type: none"> ● Above-The-Line vs. Below-The-Line Personnel 	<i>Hollywood Dealmaking</i> ,

	<ul style="list-style-type: none"> • Common Film & TV Agreements <p>So, What's a Deal, Anyways? Contract Law in Entertainment: An Overview</p> <ul style="list-style-type: none"> • Elements of a Contract • Breach & Remedies • Application in Entertainment Law • Work-Made-For-Hire 	Chapter 7, Appendix A, plus assigned reading
Class 3 & 4: February 9 & February 16	<p>The Law of Ideas: Intellectual Property Law</p> <ul style="list-style-type: none"> • Copyright Law • Rights of Privacy and Publicity • Defamation/Slander/Libel & Defenses • Fair Use Doctrine • Fair Use Spotting 	<p><i>The Biz</i>, Chapters 16 - 19 (will be emailed out)</p> <p>Optional: <i>Hollywood Dealmaking</i>, Chapter 12</p>
Class 5: February 23	<p>So You Had A Great Idea For A Movie: Now Let's Get Rights</p> <ul style="list-style-type: none"> • When You Need Rights vs. Fair Use • The Option Purchase Agreement • Rights Litigation • Current Economics 	<i>Hollywood Dealmaking</i> , Chapter 3, plus assigned reading
Class 6: March 2	<p>Okay, Now We Need A Script: Let's Hire a Writer</p> <ul style="list-style-type: none"> • How to Draft a Writer Offer • WGA Minimum Basic Agreements • How Writers Get Paid/Backend Compensation • Draft Negotiations/Redlines 	<i>Hollywood Dealmaking</i> , Chapters 4 & 5, plus assigned reading
Class 7: March 9	<p>Somebody Has To Pay For All This: Producers, Studios & Film Packages</p> <ul style="list-style-type: none"> • Above-The-Line Agreements (Director, Talent) • Selling a Pitch • Financing A Film • Producer Agreements • Draft Negotiations/Redlines 	<p><i>Hollywood Dealmaking</i>, Chapters 6 - 8</p> <p><i>The Biz</i>, Chapters 3 & 6 (will be emailed out)</p>
Class 8: March 16	<p>ACTION!: Shooting a Film</p> <ul style="list-style-type: none"> • Below-The-Line Agreements • Relevant Guilds/Unions • Production Packets & Releases • Negotiating Releases/Reviewing Redlines 	<i>Hollywood Dealmaking</i> , Chapter 10 & Appendix A, plus assigned reading

Class 9: March 23	Seeing Your Name in Lights: Payments & Credit Issues <ul style="list-style-type: none"> ● Contingent Compensation/Backend ● New Models of Payments ● Credits: Logos, main/end scrolls, guild credits 	<i>Hollywood Dealmaking</i> , Chapter 7 <i>The Biz</i> , Chapters 15 & 20 (will be emailed out)
Class 10: March 30	***CLASS CANCELED***	
Class 11: April 6	The Small Screen: Television Specifics <ul style="list-style-type: none"> ● The Showrunner ● Writers Room Deals ● WGA Regulations in TV ● Drafting Talent Holds/Options 	<i>Hollywood Dealmaking</i> , Chapter 5 & 9
Class 12: April 13	The Real Lawyers of LA: Unscripted Content & Documentaries <ul style="list-style-type: none"> ● Game Shows ● Unscripted TV & Participant Releases ● Trade Out Deals ● Documentary Rights ● Provisions Specific to Unscripted Deals ● Negotiating Unscripted Agreements ● Union Rights in Unscripted Content 	<i>Hollywood Dealmaking</i> , Chapter 13, plus assigned reading
Class 13: April 20	Entertainment Law in the Digital Age <ul style="list-style-type: none"> ● Short Form Content ● Endorsement Deals Music in Film & TV <ul style="list-style-type: none"> ● Master & Synch Licenses ● Clearing Music ● Issues in Music Use 	<i>Hollywood Dealmaking</i> , Chapter 14, plus assigned reading
Class 14: April 27	That's A Wrap! Putting It All Together <ul style="list-style-type: none"> ● Reviewing Redlines ● Attorney Best Practices ● Career Development 	TBD

Contact Information:

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