Entertainment Law & The Music Industry MIND 3322
Spring 2020
Wednesday 7-9:30 p.m.

Final Exam: May 13, 2020, 7:00 p.m.

Office Hours:

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<tr>
<th>OFFICE HOURS:</th>
<th>You may contact me via E-mail to set up an appointment: <a href="mailto:mschechterbutler@tamucc.edu">mschechterbutler@tamucc.edu</a>.</th>
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<td>Wednesday 6:30 p.m. By appointment</td>
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Please do not contact me by blackboard email.

Entertainment Law & The Music Industry MIND 3322

THIS COURSE IS FOR EDUCATIONAL PURPOSES ONLY.
NO LEGAL ADVICE IS GIVEN.


Prerequisites: None

COURSE DESCRIPTION: Designed for both music majors and non-majors, an overview of the legal practices and ramifications of United States law and its influence on the music industry. Topics will include an introduction to the legal systems of government, business and society, intellectual property, business structures, contracts, distribution regulations, and copyrights. Legal practices for entertainment mediums will include television, film, live stage performances, recording, and publishing.

RELATIONSHIP TO OTHER COURSEWORK: This course provides an overview of American business law as it relates to the music industry. Students will gain an understanding of the various legal and regulatory influences that affect the music business and its various aspects. The concepts will be useful as a basis for considering and applying information learned in later coursework. Please note that any content of this course is for educational purposes only and not to be taken as legal advice.

INSTRUCTIONAL METHODOLOGY: Instruction includes lecture, discussion, handouts, assignments, and videos. The required materials are noted above. The instructor will provide other materials. Emphasis will be placed on practical application of theories presented. Development of critical thinking skills is also important and will be encouraged through class discussions. Recent cases, current events and student experiences will be used to demonstrate practicality and usefulness of course material.

COURSE OBJECTIVES: After completing this course, students should be able to:

- Understand the fundamental concepts and operations of the U.S. legal system and the four sources of law (constitutions, legislation, administrative agencies, and courts).
- Understand the basic principles and doctrines pertaining to key substantive topics in business law as it applies to the music industry.
- The ability to consider business and/or corporate implications
- An understanding of collective bargaining and employment law issues

PERFORMANCE, EVALUATION AND GRADING:

You are expected to read, carefully, each week’s readings and/or powerpoints prior to class and be ready to discuss them in detail. As well, you are expected to attend each class and to arrive on time or early. You are expected to be prepared and contribute to each week’s class discussion. The Socratic method of teaching is practiced, so students will be called on randomly to answer questions or explain concepts. Points will be added for outstanding class participation and deducted for lack of preparation or absences that are not excused prior to the beginning of that week’s class. If you will not be prepared or will be absent form class, notify me by email by 5:00 p.m. the day before the class date.
Grading: There will be five graded exams, four during the course of class and one comprehensive final exam. Each is worth 100 points. The lowest grade of these five exams will be dropped; therefore, grades will be based on the average of your highest four exams and any extra points granted due to outstanding classwork—see below. Therefore, class attendance and participation is mandatory.

Class work and participation will count toward your final grade. At the discretion of the professor, outstanding scholarship in class, attendance at office hours, and class participation may raise a borderline grade to the next higher grade. DO NOT EXPECT A RAISE IN A BORDERLINE GRADE WITHOUT OUTSTANDING CLASS PARTICIPATION AND SCHOLARSHIP ON CLASS ASSIGNMENTS. A letter grade will be determined based on the percentage earned as follows: A: 90-100%; B: 80-89%; C: 70-79%; D: 60-69%; F: 0-59%. In some instances, a curve may be applied in determining letter grades.

EXAMS: There will be four exams, the 5th will be given during the Final Exam period. Each of the first four exams will contain 40-60 multiple choice questions and be worth 100 points each. All of the five exams will be based on lectures, text, handouts, assignments, and online assignments/videos.

No Make-up Exams: No make-up exams, except in extraordinary circumstances (defined by professor).

Final Grade: Again, the lowest exam grade will be dropped and other four grades will be averaged for the final class grade. Class participation will be factored into your grade and may raise or lower your final grade. See “Grading” paragraph above.

CAVEAT: Some of the Blackboard notifications and calendaring may work sporadically. DO NOT rely on Blackboard reminders. You must calendar exams yourself and set reminders.

Exam Reviews: In class reviews will occur weekly or bi-weekly, as needed.

ORAL AND WRITTEN COMMUNICATION CONTENT:
Law involves many difficult concepts, and class discussions will be a means of exploring problematic areas. Students are expected to be prepared to ask and answer questions. In addition, students are encouraged to share personal experiences and other issues that relate to class material.

TECHNOLOGY APPLICATIONS:
Students are encouraged to use electronic study aids provided by the text publisher, such as on-line quizzes and additional readings. E-mail is encouraged for communication. Substantively, the course covers technology topics, such as e-commerce, internet, and e-contract legal issues. However, recording lectures is not permitted.

Courses may require the use of exam-proctoring involving third party charges. Exam-proctoring charges may range from $1 - $50.00 per exam. Students may be required to schedule exams at least 24 hours in advance or incur late scheduling charges. All costs for exams are the responsibility of the student. Students may also be responsible for providing webcams to be used in test proctoring.

ETHICAL PERSPECTIVE:
Ethics will be discussed continuously throughout the course, as ethics and law are closely intertwined. Cases, class discussion topics, and many of the legal issues paper assignments involve ethics. Exams will also include questions with ethical dimensions.

GLOBAL PERSPECTIVE:
In addition to a chapter on International Law, the increasing globalization of business will be discussed in conjunction with various cases and discussion questions. As the focus is U.S. law, however, the global perspectives are peripheral to most of the substantive topics covered.

DEMOGRAPHIC DIVERSITY PERSPECTIVE:
Certain chapters cover discrimination and equal protection, and the text uses demographic diversity in examples. However, demographic diversity is not a particular focus of this course.

POLITICAL, SOCIAL, LEGAL, REGULATORY, AND ENVIRONMENTAL PERSPECTIVES:
The course is primarily focused on these issues. The political arena is central to the creation and operation of the legal system, from Constitutional provisions to local government ordinances. Laws emanate from social concerns, and these are discussed to explain the history and reasoning of legal concepts. The various sources of law and business regulation are covered extensively in each segment. Environmental issues receive attention through multiple chapter highlights, and a chapter on Environmental Law is included.

ATTENDANCE POLICY:
Class lectures are important for learning and integrating the material, and class attendance and discussions are expected and vital.
to learning the material. For expected or planned absences involving an exam, it is the student’s responsibility to notify the instructor and arrange to take the exam early or with another section of the class. In the event of an unexpected absence involving exams, it is the student’s responsibility to notify the instructor as soon as possible after the absence. In extraordinary circumstances (as defined by the instructor) a student can make up the exam, as long as they do so before the next class session. Normally, a student must take the comprehensive final to substitute for the missed exam. **NOTE:** Rarely are absences deemed “excused”.

**DROPPING A CLASS:**
I hope that you never find it necessary to drop this or any other class. However, events can sometimes occur that make dropping a course necessary or wise. Please consult with me before you decide to drop to be sure it is the best thing to do. Should dropping the course be the best course of action, you must initiate the process to drop the course by going to the Student Services Center and filling out a course drop form. Just stopping attendance and participation WILL NOT automatically result in your being dropped from the class. **April 10, 2020** is probably the last day to drop a class. You are required to check this date yourself.

**ACADEMIC HONESTY:**
University students are expected to conduct themselves in accordance with the highest standards of academic honesty. Academic misconduct for which a student is subject to penalty includes all forms of cheating, such as illicit possession of examinations or examination materials, falsification, forgery, complicity or plagiarism. (Plagiarism is the presentation of the work of another as one’s own work.) In this class, academic misconduct or complicity in an act of academic misconduct on an assignment or test will result in a 0 on the assignment.

**STUDENT ETHICS CODE:**
This course, and all other courses offered by the College of Business (COB), requires all of its students to abide by the COB Student Code of Ethics (available online at [www.cob.tamucc.edu](http://www.cob.tamucc.edu)) Provisions and stipulations in the code are applicable to all students taking College of Business courses regardless of whether or not they are pursuing a degree awarded by the COB.

**ACADEMIC ADVISING:** The College of Liberal Arts requires that students meet with an Academic Advisor as soon as they are ready to declare a major. The Academic Advisor will set up a degree plan, which must be signed by the student, a faculty mentor, and the department chair. The College’s Academic Advising Center is located in Driftwood 203E and can be reached at 825-3466.

**GRADE APPEALS:**
As stated in University Rule 13.02.99.C2, Student Grade Appeals, a student who believes that s/he has not been held to appropriate academic standards as outlined in the class syllabus, equitable evaluation procedures, or appropriate grading, may appeal the final grade given in the course. The burden of proof is upon the student to demonstrate the appropriateness of the appeal. A student with a complaint about a grade is encouraged to first discuss the matter with the instructor. For complete details, including the responsibilities of the parties involved in the process and the number of days allowed for completing the steps in the process, see University Rule 13.02.99.C2, Student Grade Appeals, and University Procedure 13.02.99.C2.01, Student Grade Appeal Procedures. These documents are accessible through the University Rules Web site at [http://academicaffairs.tamucc.edu/rules_procedures/assets/13.02.99.c0.03_student_grade_appeals.pdf](http://academicaffairs.tamucc.edu/rules_procedures/assets/13.02.99.c0.03_student_grade_appeals.pdf). For assistance and/or guidance in the grade appeal process, students may contact the College of Liberal Arts or the Office of Student Affairs.

**DISABILITIES ACCOMMODATIONS:**
The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring an accommodation, please call or visit Disability Services at (361) 825-5816 in CCH 116.

If you are a returning veteran and are experiencing cognitive and/or physical access issues in the classroom or on campus, please contact the Disability Services office for assistance at (361) 825-5816.

**STATEMENT OF ACADEMIC CONTINUITY**
In the event of an unforeseen adverse event, such as a major hurricane and classes could not be held on the campus of Texas A&M University–Corpus Christi; this course would continue through the use of Blackboard and/or email. In addition, the syllabus and class activities may be modified to allow continuation of the course. Ideally, University facilities (i.e., emails, web sites, and Blackboard) will be operational within two days of the closing of the physical campus. However, students need to make certain that the course instructor has a primary and a secondary means of contacting each student.
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<tr>
<th>Date</th>
<th>Assigned Chapters</th>
<th>Exam Reviews</th>
<th>Lecture</th>
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<tr>
<td>1-22</td>
<td>Introduction to Course</td>
<td>Read Associated Powerpoints</td>
<td>Law and Legal Reasoning; The Court System; Marbury v. Madison Case Explanation; Business and the Constitution</td>
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<td>1-29</td>
<td>Lecture</td>
<td>Read Associated Powerpoints</td>
<td>Introduction to Business Law</td>
<td>Formation of Traditional &amp; E-Contracts, including Consideration, Capacity and Legality; Contract Performance, Breach and Remedies</td>
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<td>2-5</td>
<td>EXAM I-</td>
<td>Lecture</td>
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<td>Agency (Formation and Duties; Agency Liability to Third Parties and Termination); Employment Relationships</td>
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<td>2-9</td>
<td>EXAM II-</td>
<td>Lecture</td>
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<td>2-12</td>
<td>Read Chapters 3-6</td>
<td>Exam II Reviews</td>
<td>Artistic Representation: Personal Managers, Business Managers, Attorney Agents and their commissions and contractual relationships</td>
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<td>2-19</td>
<td>EXAM II-</td>
<td>Lecture</td>
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<td>Small Business Organizations; Limited Liability Business Forms; Corporations; Shareholders agreements or members agreements</td>
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<td>2-26</td>
<td>Read Chapters 8-11</td>
<td>Exam III Reviews</td>
<td>The Record Business, including royalty computation, advances</td>
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<td>3-4</td>
<td>Read Chapter 12</td>
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<td>Review Advanced Royalty Computations</td>
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<td>3-9</td>
<td>SPRING BREAK</td>
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<td>3-18</td>
<td>Review for Exam III</td>
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<td>Advanced Record Deal Points Loan-out, Independent Production, Label and Distribution Deals</td>
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<td>3-25</td>
<td>Read Chapters 15-21</td>
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<td>Copyright, Major and Secondary Publishing Income. Songwriter contracts Royalties, Print Music Royalties, Advanced Copyright; Sound recordings; Musical; works. Registering, Notice; Ownership</td>
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<td>4-1</td>
<td>HAPPY APRIL FOOLS DAY !!</td>
<td>Read Chapter 22 &amp; 26</td>
<td>Copyright Infringement; Digital Millennium Copyright Act-Four Safe Harbors-Transmitting, system Caching, User Storage, Information Location Tools Sampling; Secondary infringement-contributory &amp; secondary infringement Penalties, Issues in Group Record Deals Classical Music Issues; Kanyevel: Kanye West music video “Touch the Sky” and Evel Knievel’s site</td>
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<td>4-8</td>
<td>TAKE HOME ASSIGNMENT</td>
<td>Read Chapters 27-30</td>
<td>Music Publishing; Motion Picture Music and Performing Deals; Public Performance Royalties; Mechanical Royalties; Synchronization Li Fees; Record Labels &amp; Recording Agreements; Internal Band Agreements</td>
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<td>4-15</td>
<td>EXAM IV-</td>
<td>Read Chapters 31-33</td>
<td>Trademarks; Researching and Protecting Brand Name</td>
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<td>4-22</td>
<td>Lecture</td>
<td>Review of Motion Picture Music and Performing Deals Soundtrack Album Deals</td>
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<td>4-29</td>
<td>Lecture</td>
<td>Building Databases, Fan Followings; A&amp;M Records, Inc. v. Napster; SONY Corp of America v. Universal Studios</td>
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| 5-6  | Review FOR FINAL EXAM | EXAM VI is the FINAL EXAM***
TIME 7:00 p.m.—8:30 p.m. |