

Fall 2015

AADM 6502

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University of New Orleans

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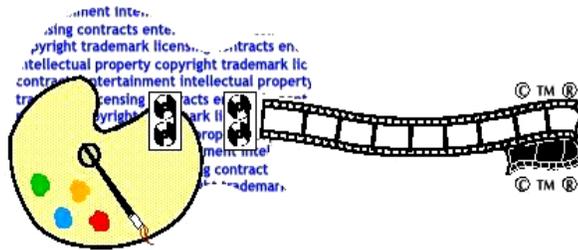
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ARTS LAW: AADM 6502
UNIVERSITY OF NEW ORLEANS
FALL 2015 SYLLABUS

Thursday, 3:00pm - 5:40pm
Room 227, Kirschman Hall



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Office Hours: By Appointment

COURSE DESCRIPTION

This course will cover legal issues in representing clients within the entertainment industry, highlighting business and economic considerations. The focus will be on the nature of relationships and transactions, including implications on intellectual property rights arising from contractual and other legal matters, which are common among various players from the music, film, visual and performing arts sectors. These players will include recording artists, songwriters, producers, managers/agents, record labels, publishers, filmmakers, screenwriters, visual artists, studios, etc. Emphasis will be placed on analyzing the initial development and evolution of these dynamic relationships as they are intertwined within the confines of various legal claims.

REQUIRED COURSE MATERIALS

Select readings that correspond to topics listed in the Syllabus. Please read material prior to class.

1. Burr, Sherri. *In a Nutshell: Entertainment Law*. Thomson/West, 2007.
2. Miller, Arthur and Michael Davis. *In a Nutshell: Intellectual Property - Patents, Trademarks and Copyright*. Thomson/West, 2007.
3. DuBoff, Leonard and Christy King. *In a Nutshell: Art Law*. Thomson/West, 2006.
4. Any and all other supplementary material required by Professor throughout the duration of the Course.

AIM OF THE COURSE

The arts/entertainment industry has been argued one of the country's greatest exports and certainly one of Louisiana's primary productions. This course acquaints the M.A. candidate with the nature and scope of legal issues arising from the arts sector, highlighting issues within the music and film industries, arguably the most challenging of the entertainment subsectors, in addition with an overview of visual arts legal matters. The course summarizes some of the basic contractual relationships and intellectual property interests among music and film industry players.

LEARNING OUTCOME/GOALS

Achievement, not course credit, is the primary output of this course. All M.A. candidates who successfully navigate the course will be able to demonstrate improved understanding of topics listed below, and because of this knowledge, participants will be better-equipped to enter the arts and entertainment business sectors.

CLASS FORMAT

M.A. candidates who prepare, attend and participate in class will most benefit from this course. Class sessions will normally be conducted utilizing a combination of lecture and discussion. Schedule permitting, the class may include guest speakers. The purpose of class sessions is not to disseminate material that can be readily and easily understood from reading assigned materials. Rather, classroom presentation and discussion will emphasize topics either not covered in the text or that the instructor believes need to be enhanced through elaboration and illustration. Participants are expected to have read and understood all reading assignments prior to class. For the classroom experience to be meaningful and interesting, participants must come to class prepared.

ATTENDANCE

As with any class, students are unable to receive the full benefit of the course without attending class the entire class. Therefore, roll will be taken during each class, and students will be penalized up to one letter grade for the entire course for more than two unexcused absences. An excused absence is one in which the student provides the instructor in advance a written, approved reason for not attending class. The ultimate determination of excused versus unexcused lies entirely with the Professor. The Professor maintains the right to take whatever steps are necessary to verify any excuse given by a student. By presenting the excuse, the student agrees to allow the Professor the right to contact any party or collect any information necessary to verify the excuse.

WRITTEN ASSIGNMENT

Each M.A. Candidate is required to choose an essay topic germane to issues presented in the course. Each M.A. candidate is required to present to the Professor a one (1) page, written proposal on or before **September 17, 2015**. The Professor reserves the right to require each student to reject and/or modify their essay proposal and shall give each student no less than seven (7) calendar days notice should their respective proposal be rejected or modified (initial notice). Thereafter the initial notice,

each M.A. student shall have four (4) calendar days to amend their topic for Professor's consideration, and Professor shall have four (4) calendar days for which to accept and/or reject the modified proposal (modified notice). All final essays shall include the original proposal as accepted by the Professor, a bibliography, and shall be submitted in Word format, double-spaced, Times New Roman 12-point font, with one-inch (1 in.) margins on all sides. Excluding the proposal and bibliography, the essay shall be no less than eight (8) and no more than ten (ten) letter-sized pages with page numbers listed. Essays in electronic format shall include the student's name in the document title. All essays are due on or before **November 5, 2015** by the beginning of class via electronic mail and also by hand delivery. Professor shall give a zero (0) grade for untimely submitted essays.

EXAMINATIONS

All examinations will be closed-book and given in class. The following examinations will be administered throughout the course:

1. Quiz I, September 24, 2015
2. Mid-Term Exam, October 8, 2015
3. Final Exam, December 3, 2015

GRADING

Weights:

- | | |
|---------------------------|-----|
| 1. Quiz I: | 10% |
| 2. Mid Term Exam: | 30% |
| 3. Written Essay: | 30% |
| 4. Final Exam: | 30% |
| 5. Attendance (see above) | |

ASSIGNED READINGS

Each M.A. Candidate is required to prepare for each class. Although there are suggested topics for each class date and correlative assigned readings, the M.A. candidate is responsible for reading the entirety of each text for proper understanding of the subject matter. Therefore, although the Professor has suggested required readings, the M.A. is further required to utilize the outlines and readings in each of the course materials for the purpose of preparing for each class topic and understanding the subject matter of the course. The assigned readings are merely for the purpose of tailoring the focus of each class but not intended to limit the reading requirements of the course materials herein.

ACADEMIC INTEGRITY

Each M.A. Candidate shall observe any and all rules of conduct and honor arising in connection from the University of New Orleans and any and all other applicable rules of conduct.

AMENDED SYLLABUS

The Syllabus is intended to serve as a roadmap for the course. The Professor may or may not cover all of the material in the tentative course outline and assigned readings. The assignments are nevertheless required for purposes of achieving the Aim of the Course and Desired Results as noted herein, unless the Professor specifically instructs otherwise. Also, the Professor may require additional materials and assignments. The Professor reserves the right and option to amend the Syllabus at any time via verbal instruction in class.

TENTATIVE COURSE OUTLINE

DATE	TOPIC	ASSIGNED READINGS
August 27	Introduction to Arts Law The Fiduciary Duty: Arts/Entertainment Attorneys, Agents & Managers	<i>Entertainment Law</i> : Chapters 6 & 8
September 3	Business Entities Partnership/Operating Agreements	<i>Entertainment Law</i> : Chapters 6 & 8 <i>Art Law</i> : Chapters 7 & 16
September 10	Overview of Credits & Compensation in the Arts	<i>Entertainment Law</i> : Chapter 7 <i>Art Law</i> : Chapter 6
September 17*	ESSAY PROPOSALS DUE Overview of Credits & Compensation in the Arts Moral Rights First Amendment VARA	<i>Art Law</i> : Chapters 6, 14 & 15
September 24	The Law of Ideas Contractual Protection of Art QUIZ I	<i>Entertainment Law</i> : Chapters 1, 5A, & 5E <i>Art Law</i> : Chapter 12
October 1	Copyright Protection	<i>Intellectual Property Law</i> : Chapters 19, 20, 21, 22, 23, 24 & 25 <i>Entertainment Law</i> : Chapters 5B & 8D <i>Art Law</i> : Chapter 12
October 8*	MID-TERM EXAMINATION	
October 15	Copyright Ownership & Transfer Copyright Infringement	<i>Intellectual Property Law</i> : Chapters 19, 20, 21, 22, 23, 24 & 25 <i>Entertainment Law</i> : Chapters 5B & 10 <i>Art Law</i> : Chapter 12
October 22	Copyright Infringement, Fair Use & the Digital Age	<i>Intellectual Property Law</i> : Chapter 21 <i>Entertainment Law</i> : Chapter 5B <i>Art Law</i> : Chapter 12
October 29	Publicity & Privacy Rights ESSAY REVIEW	<i>Entertainment Law</i> : Chapters 9A & 9B

November 5*	<p>Trademark Protection Trademark v. Copyright Merchandising & Touring</p> <p>ESSAY DUE DATE</p>	<p><i>Intellectual Property Law</i>: Chapters 11, 12, 15, 16 & 17 11 <i>Entertainment Law</i>: Chapters 3, 5B, 5C, & 5E <i>Art Law</i>: Chapters 12 & 13</p>
November 12	<p>Licensing Producers, Songwriters & Publishers The Performance Right</p>	<p><i>Intellectual Property Law</i>: Chapter 21 <i>Entertainment Law</i>: Chapter 8 <i>Art Law</i>: Chapter 12 <i>Entertainment Law</i>: Chapters 3 & 8D</p>
November 19	Overspill and Review	
November 26	THANKSGIVING HOLIDAY	
December 3*	FINAL EXAM	