

MUSIC LAW SYLLABUS

Fall, 2009

Monday, 6pm – 7:40pm

West Building, Room W402

Joel Schoenfeld, Adjunct

1-212-201-9292 (w)

joel@emusic.com

Introduction and Course Description

Music Law covers the basics of record label and music publishing contracts. Also, it explains the respective roles of collective rights societies, unions, agents, managers and lawyers in the business. Music Law will address the evolving legal issues created by the internationalization of the music business through mobile and internet digital exploitation of music - including P2P and bit torrent issues; with the implications on national copyright, trademark and competition/antitrust regimes. Key international treaties and conventions implicated by new business models will be reviewed and discussed. As music is still the ground breaking form of media for laws covering the international digital marketplace, how legal regimes are applied to this (and amended to apply to it) will guide all business models for other forms of digital media.

Prerequisite

Intellectual Property Law

What You Will Need to Purchase and/or Read for this Course

"All You Need To Know About the Music Business: 5th Edition" by Donald S. Passman.

A Course Material Package at the NYLS Copy Center

Various In-Class Handout Materials

Examinations and Major Assignments

Home Assignments:

Class 1, August 24 – DP, Chpts. 15, 20, 21; CM, pp. 1 - 51

Class 2, August 31– DP, Chpts. 7, 8; CM, pp. 53 - 71

Class 3, September 8 (legislative Monday) – DP, Chpts. 10, 11, 12; CM, pp. 71 – 76, 238 - 239

Class 4, September 14 – DP, Chpts. 16, 17; CM, pp. 77 - 109

Class 5, September 21 – DP, Chpts. 18, 19; CM, pp.109 – 125

Monday, September 28 – No Class: Yom Kippur

Class 6, October 5 – Digital Millennium Copyright Act of 1998; Digital Performance Right in Sound Recordings Act of 1995; CM, pp. 342 – 352.

Class 7, October 12 – CM, pp. 286 - 341

Class 8, October 19 – CM, pp. 185 - 223

Class 9, October 26 – CM, pp. 240 – 258

Class 10, November 2 – DP, Chpts. 9 and 13. CM, pp.260 - 285

Class 11, November 9 –DP, Chpt. 22 Paper briefing key issues and positions for your client in assigned negotiating exercise.

Class 12, November 16 – DP, Chpts. 23, 24, 25

Class 13, November 23 – Exchange of “mark-ups” in negotiating exercise.

Class 14, November 30 – New round of mark-ups in negotiating exercise.

FINAL GRADING EXERCISE – Submission of final agreed upon contract.

Tentative Course Schedule

Class 1: General Introduction to subject matter, home assignments, in-class topics and procedure, grading, final grade exercise. Overview of course subjects. Copyright basics review.

Class 2: Recording contracts, issues, related agreements. Part One of paragraph-by-paragraph review of standard agreement.

Class 3: Part two of paragraph-by-paragraph analysis of a standard record label/artist recording contract.

Class 4: Completion of review of standard recording artist contract. Introduction to music publishing, types of publishing deals and their purposes. Part one of paragraph-by-paragraph analysis of a standard publishing, co-publishing, sub-publishing and administrative agreements.

Class 5: Part two of paragraph-by-paragraph analysis of a standard publishing, co-publishing, sub-publishing and administrative agreements.

Class 6: Part three of paragraph-by-paragraph analysis of a standard publishing, co-publishing, sub-publishing and administrative agreements.

Class 7: Introduction to PRO's and and collective rights administration. The CISAC Case/Matter and harmonization of digital rights. Discussion regarding forms of digital licenses and additional issues.

Class 8: The "360 Deal." What it is and is not. Speaker, Daniel Klaus. Discussion of legal and licensing issues resulting from new "Online Record Companies."

Class 9: Guest Speaker, Jason Pascal. Types of digital music exploitation and licenses to accomplish the same. Current issues in trans-border licensing schemes and common law v. civil law: similarities, differences and issues in harmonization. EU-wide licensing issues, the interaction between European national copyright regimes and EC Competition Directives and principles. Antitrust and competition issues as they relate to digital exploitation of music.

Class 10: Negotiating Skills and issues. Discussion and assignment of negotiating scenarios for final grading exercise.

Class 11: New forms of exploitation of music and the rights needed or implicated by each. Mobile digital exploitation of music (OTA and Side loading deals) for songs and ring tones. Discussion of P2P and bit torrent issues and litigations. Further discussion of negotiating scenarios for final grading exercise.

Class 12: Works for Hire. Privacy and Publicity rights. Trademarks and copyrights for group and artist names. Contracts with minors.

Class 13: In class negotiating sessions for final grading exercise

Class 14: Final negotiating sessions and all deals are “closed.”