

24th Annual

Entertainment Law Institute



Cover Art: The Texas International Pop Festival was the first major rock festival in Texas. Held Aug. 30-Sept. 1, 1969, two weeks after Woodstock, at the Dallas International Motor Speedway in Lewisville. Produced by Alex Cooley, Angus Wynne, and Jack Calmes. Poster art by Lance W. Bragg.

LIVE

Dallas
November 6-7, 2014
Westin Galleria Hotel

TOPIC HIGHLIGHTS

- Music Licensing: Current Deal Structures and Revenue
- The Manager as the New Label: The Expanding Role of Artist Managers
- Legal Implications of User Generated Content
- Current Trends in Film and Television Finance
- Wrangling the Crowd: Legal Issues With Non-Equity and Equity Funding via the Internet

COURSE AMENITIES

- Coffee & pastries each morning
- Special luncheon presentation on Thursday
- Thursday evening networking social
- Complimentary parking

DOWNLOADABLE
COURSE MATERIALS



MCLE CREDIT | 14 HOURS (1 ETHICS)

Entertainment Law Institute

LIVE Dallas
November 6-7, 2014
Westin Galleria Hotel

Register by October 23 to save \$50!

**Entertainment and Sports Law
 Section members can save \$75!**

**Attorneys licensed 5 years or
 less attend for half off!**



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Thursday 7.25 hours including 1 ethics

- 8:00 **Registration -
Coffee and Pastries Provided**
- 8:40 **Welcoming Remarks
Course Director**
Mike Tolleson, *Austin*
Mike Tolleson & Associates
- 8:45 **The New Book Publishing Landscape
1 hr**
This presentation will discuss the impact on the publishing world of Kindle and the Nook; the antitrust lawsuit filed (and recently settled) by the Justice Department against Apple and the major New York publishers; the shift by successful authors (such as Barry Eisler) to e-publishing; and the occasional (and sometimes wildly successful) shift from e-publishing to traditional publishing (using *Fifty Shades of Grey* as a case study).
Mike Farris, *Dallas*
Vincent Lopez Serafino Jenevein
- 9:45 **Art of Rock and Roll 1 hr**
A look at the art used to promote and celebrate popular music, and the attendant legal issues and competing interests -- rights, possibilities and pitfalls - confronting graphic artists, bands and their representatives, concert promoters, collectors, dealers and third-party assignees.
Nels Jacobson, *Birmingham, MI*
Law Office of Nels Jacobson
- 10:45 **Break**
- 11:00 **Music Licensing: Current Deal Structures and Revenue 1 hr**
The world of music licensing has changed dramatically in recent years - both in traditional media as well as the online/digital world. This panel will discuss the deals and revenue being generated for songwriters, music publishers and artists from music used in video games, apps, feature films (both independent and major studio), episodic television, download and streaming services, advertising

commercials, ASCAP, BMI and SESAC performance areas, e-cards, catalogue musicals and more.

Jeff Brabec, Esq., *Los Angeles, CA*
 Vice President, Business Affairs BMG
 Chrysalis
 Co-author, *Music, Money and Success*

Todd Brabec, Esq., *Beverly Hills, CA*
 Former ASCAP Executive Vice President
 Co-author, *Music, Money and Success*

12:00 **Break - Lunch Provided**

12:15 **Texas Star Award Presentation**

12:30 **Luncheon Presentation: Magical Mystery Law - A Look at Key Moments in the Beatles Litigation History .75 hr**

Stan Soocher, Esq., *Denver, CO*
 Editor-in-Chief, "Entertainment Law & Finance"
 Associate Professor, Music & Entertainment Industry Studies
 University of Colorado Denver

1:15 **Break**

1:30 **Music Publishing Administration and Sub-Publishing Agreements 1 hr**

It is important to establish a strong music rights management structure for your clients. This presentation will provide an overview of global music publishing and the sub-publishing agreement for the administration, exploitation and collection of your client's music assets.

Teri Nelson Carpenter, *El Segundo, CA*
 President & CEO
 Reel Muzik Werks, LLC

2:30 **Is that Fair (Use)? Third-Party Trademarks in Songs and Media .5 hr**

A look at how you can successfully and maybe not so successfully use

someone else's trademark in your song, media or advertisement.

Tamera H. Bennett, *Lewisville*
 Bennett Law Office, PC

3:00 **Break**

3:15 **The Manager as the New Label: The Expanding Role of Artist Managers 1 hr**

This topic will address the ways that managers are performing services historically performed by other entities, with an emphasis on the large growth in managers providing label services in the DIY-era. The panel will discuss the deal points and legal issues to navigate, including ownership of masters; in-house personnel v. outsourced services; size of recording and marketing budgets; fund-raising from investors and related issues (ownership of copyrights, priority of recoupment and levels of ROI; security interests, etc.); and management commissions v. net profit share of recording revenue.

Craig Barker, *Austin*
 Barker Lee, PLLC

Peter Schwarz, MBA, *Austin*
 Business Manager of Bismieux Records & Management
 (Asleep at the Wheel)

4:15 **Trolling To Combat Online Infringement? Ethical Issues in Copyright Litigation 1 hr ethics**

A discussion of the ethical issues that arise in copyright infringement suits against Internet users, including investigation, identity discovery, joinder, communications with defendants, motion practice, and alternatives for dealing with p2p piracy.

Claude E. Ducloux, *Austin*
 Hill Ducloux Carnes & De La Garza

Mitch Stoltz, *San Francisco, CA*
 Electronic Frontier Foundation

Evan Stone, *Denton*
 Stone & Vaughan

5:15 **Adjourn - Join us for a reception generously sponsored by**



Friday 6.75 hours

8:00 **Coffee and Pastries Provided**

8:25 **Announcements**

8:30 **Getting Real with Reality Television** 1 hr

A review of talent and production agreements encountered in producing a reality television series.

Robert A. Darwell, *Los Angeles, CA*
Chair, Entertainment, Technology and Advertising
Sheppard Mullin

9:30 **Annual Roundup of Entertainment Law Rulings** 1 hr

This presentation will examine the impact of significant, new court rulings on legal practice in music, film, digital media and related industry segments.

Stan Soocher, Esq., *Denver*
Editor-in-Chief, "Entertainment Law & Finance"
Associate Professor, Music & Entertainment Industry Studies
University of Colorado Denver

10:30 **Break**

10:45 **Legal Implications of User Generated Content** .75 hr

This session will explore the state of the law as it relates to user generated content being posted online, including social media such as YouTube, Facebook and Twitter. What are the copyright implications? Where are the dangers and liabilities? What risks need to be

managed in creating a platform for user generated content?

Robert P. Latham, *Dallas*
Jackson Walker

11:30 **Managing Your Online Content and Website** .75 hr

This session will cover key provisions for terms of use and privacy policies, updates on the Children's Online Privacy Protection Act ("COPPA"), navigating trademark and domain name issues, and other legal aspects related to websites, apps and online communities.

Carl Butzer, *Dallas*
Jackson Walker

Shannon Zmud Teicher, *Dallas*
Jackson Walker

12:15 **Lunch on Your Own**

1:15 **The Singular Circumstances of Garcia v. Google: What Happened? And What Happens Next?** 1 hr

The Ninth Circuit recently held that an actress possesses the copyright in a brief performance of hers used in the film, "Innocence of Muslims," and required YouTube to take it down. But the decision has broad implications. Mr. Rosini will discuss the facts of the case, the significance of work for hire agreements (there was none here), the nature of a "copyright in a performance," its distinction from joint ownership of an entire work, and implications for the industry.

Neil J. Rosini, *New York, NY*
Franklin, Weinrib, Rudell & Vassallo

2:15 **Current Trends in Film and Television Finance** .75 hr

As studios focus more and more on tentpoles, the indie world is getting more and more creative in its financing approaches. Learn about the types of deals currently being made to finance

independent features and television series. Not all involve securities.

Sally Helppie, *Dallas*
Vincent Lopez Serafino Jenevein
Hal Sadoff, *Los Angeles, CA*

3:00 **Break**

3:15 **Guilds and Unions in a Right-to-Work State** .5 hr

Texas is a right-to-work state. That law can conflict with the terms of the entertainment Guilds' Minimum Basic Agreements as well as the terms of Guild membership agreements. Which terms control? How can a lawyer navigate among them?

Sally Helppie, *Dallas*
Vincent Lopez Serafino Jenevein

3:45 **Wrangling the Crowd: Legal Issues With Non-Equity and Equity Funding via the Internet** 1 hr

A survey of legal issues with reward based crowdfunding as well as the new forthcoming SEC rules and Texas regulations governing equity funding via the Internet under the Jobs Act.

Roberto R.C. Rondero de Mosier, *Austin*
Attorney at Law

Kirk T. Schroder, J.D., Ph.D., *Richmond, VA*
Schroder Fidlow

4:45 **Adjourn**

MCLE CREDIT

**14 HOURS (1 ETHICS)
MCLE COURSE NO: 901298335**

Applies to the College of the State Bar of Texas.

2014 Texas Star Award Recipient



Stan Soocher has served as Editor-in-Chief of the monthly *Entertainment Law & Finance* trade publication since its start in 1985. He is also Associate Professor of Music & Entertainment Industry Studies at the University of Colorado's Denver Campus, where he previously served as Music Department Chair. In addition, Stan is an entertainment attorney and authored the investigative book *They Fought the Law: Rock Music Goes*

to Court. Four of Stan's music law articles, including those published in *Rolling Stone* and *The National Law Journal*, were

recognized with ASCAP's Deems Taylor Award for Excellence in Music Journalism. From 1983-2000, Stan covered the federal appeals courts in a weekly section for *The National Law Journal*. He is currently at work on a book about Beatles legal issues. For more than 25 years, Stan has presented solo speeches and participated as a panelist on entertainment law and related industry issues at a wide variety of bar association and entertainment industry events, including—in addition to the State Bar of Texas Entertainment and Sports Law Section—Harvard Law School, the N.Y. State Bar Association, the Los Angeles County Bar, the Nashville Bar Association, American Bar Association, D.C. Bar, Copyright Society of the South and SXSW Music Conference.

For their generous support of this program, **TexasBarCLE** and the Entertainment and Sports Law Section recognize and thank



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Meet the October 23rd Deadline and Save \$50
because early registrations help us ensure that sufficient course books, seating, and refreshments are available. Course materials and seating will be reserved for preregistrants until the start of the first topic.

Entertainment and Sports Law Section Members Can Save \$75
by registering by October 23, 2014 (thereafter, save \$25). Not a member? To join, e-mail sections@texasbar.com or phone 800-204-2222, x1425. Please do not send Section membership payment with your registration fee.

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Hotel rooms have been blocked at special rates on a space available basis. To make a reservation, contact the hotel and indicate that you will be attending this State Bar of Texas course.

LIVE DALLAS
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\$189 single/double
Hotel Deadline: October 22



The reserved block of rooms may fill up before the deadline. Act now!

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five or more?**

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Lawyers licensed 5 years or
less attend for **HALF OFF!**

24th Annual Entertainment Law Institute

8095

1

Dallas LIVE, November 6-7, 2014

- Regular Registrant** **\$495**
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Registration includes:

- Coffee and pastries each morning
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- Thursday evening networking social
- Complimentary parking

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Entertainment Law Institute
LIVE Dallas November 6-7, 2014

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Join the **Entertainment and Sports Law Section**

Formed in 1989, the Entertainment and Sports Law Section consists of more than 600 licensed attorneys throughout the state who practice entertainment and sports law. Section members represent a wide variety of clients including artists, filmmakers, athletes, media companies, employers, employees, and entertainment and sports organizations, in both the private and public sectors. The purpose of the Entertainment and Sports Law Section is to promote and enhance the practice of law by all lawyers who concentrate or have an interest in entertainment and sports law.

Twice a year, the section publishes the Texas Entertainment and Sports Law Journal which contains a report from the Chair on current Section activities. It also contains concise summaries, with commentary by the editor, on recent Texas state and federal court decisions involving significant entertainment and sports law issues.

The Section sponsors the annual Entertainment Law Institute (ELI), our continuing legal education program which brings together the top practitioners from Texas and around the country, and hosts networking events such as our annual SXSW Mixer.

Membership in the Section is from June 1 to May 31. To join, go to TexasBar.com and login to MyBarPage. There you will see "My Sections" and a chance to click on "Purchase Sections." Check "Entertainment & Sports Law" and pay the \$30 annual fee with a credit card. Or complete the information below and forward it with a check in the amount of \$30.00 (made payable to ENTERTAINMENT & SPORTS LAW SECTION) to Sandra Carlson, P.O. Box 12487, Capitol Station, Austin, TX 78711.



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