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January 15, 2013

TESLAW E-Newsletter January 15, 2013 Issue No.1

Happy New Year TESLAW Members!

I am very excited to start off 2013 by announcing the kick off of our much anticipated TESLAW bi-monthly e-Newsletter! We hope that this new member benefit provides information to help your sports and entertainment law practice or just keep you informed about the sports and entertainment industries. Each newsletter will have a member spotlight, a case note and a practice document. It will also contain information about upcoming TESLAW events, such as our **Third Annual SXSW Mixer** on March 14, 2013 from 4:00 - 6:00 p.m., at the Iron Cactus (Sixth Street) in Austin, Texas. Please join us for a chance to meet fellow TESLAW members and industry personnel in a relaxed and fun environment!

TESLAW is excited to announce its collaboration with the Copyright Society of the USA (the "Society"), a nation-wide organization devoted to copyright law, education and understanding. This year the Society's yearly mid-winter meeting will be held in Austin, Texas at the Omni Hotel from February 14-16, 2013. The program will cover, among other things, user-generated content, social media, video game law, international copyright development, and will feature policy perspectives from Maria Pallante, the new Register of Copyrights. This is a great networking opportunity with leading industry and IP lawyers from across the country and beyond. We hope that you can join us! For more information, [click here](#).

Very truly yours,
[Shannon Jamison](#), Chair
Entertainment and Sports Law Section

TESLAW Member Spotlight



Tamera H. Bennett is an accomplished music, trademark and copyright lawyer and mediator with a solid background in the music industry. In 2011 and 2012 Tamera was honored to contribute her legal thoughts to BILLBOARD magazine. She is currently serving her second term on the board of governors for the Texas Chapter of the Grammy Association. She is a past chair of the State Bar of Texas Entertainment & Sports Law section and a former adjunct professor at Dallas Baptist University.

Tamera's passion is combining her legal experience, her music business background, and her problem solving skills in: 1) assisting third parties in resolving disputes via mediation, and 2) working alongside entertainment industry veterans serving as a resource on legal issues. In addition to music licensing, trademark application prosecution and trademark licensing agreements, Tamera advises clients on co-branding, product placement, endorsement and sponsorship agreements.

To view Tamera's [website](#) and [blog](#).

To be considered for the TESLAW Member Spotlight please submit a short bio (no more than 200 words) and photograph to Victoria Helling, [E-Newsletter Editor](#).

Warner Brothers v. The Global Asylum Case Note by Margaret Sharp

The U.S. District Court for the Central District of California granted a temporary restraining order enjoining the release of a film entitled "Age of the Hobbits" created by Defendant, The Global Asylum, Inc. Warner Brothers, New Line Cinema, MGM, and SZC ("Plaintiffs") collectively own the exclusive rights to produce and distribute films based on J.R.R. Tolkien's novels and additionally own trademarks in various uses of the word "Hobbit." Defendant produces parodies of major films called "mockbusters." The movie at issue is about a newly discovered pre-historic species of humans, nicknamed "hobbits" by the scientists who discovered them.

In granting the TRO, the Court analyzed the likelihood of consumer confusion. Polls completed by Plaintiffs indicated that 30-40% of respondents were confused as to the source of Defendant's film. According to the court, confusion levels of 25 to 50 percent are enough for solid support for likelihood of confusion, while rates below 20 percent require other corroborating evidence for a finding of confusion. Additionally, the scheduled release of "Age of the Hobbits" was three days before the release of the much-anticipated Warner Bros. film, further increasing the likelihood that consumers would purchase "Age of the Hobbits" with the intention of buying "The Hobbit: An Unexpected Journey." The close release dates also indicated to the court that Defendant intended to profit from the popularity of Plaintiffs' intellectual property.

The order forbids the Defendant from using the title "Age of the Hobbits" or any other title or mark that is confusingly similar to Plaintiffs' trademarks. A hearing for preliminary injunction has been scheduled for late January. [Download the full opinion.](#)

*Margaret Sharp graduated from the University of Houston Law Center
and is currently serving as a public interest fellow at the Museum of Fine Arts in Houston, Texas.*

Practice Document

Please find in addition to our January E-Newsletter an [Example of 304\(c\) Notice](#) provided by Michael Perlstein of Fischbach, Perlstein, Lieberman & Almond LLP located in Los Angeles, CA.

Send questions, comments, and submissions for the TESLAW E-Newsletter
to [Victoria Helling](#), E-Newsletter Editor.

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