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TESLAW

**THE STATE BAR OF TEXAS
ENTERTAINMENT & SPORTS LAW SECTION**

November 1, 2018

TESLAW Tidbits:

A Little Taste of TESLAW

Issue No. 30

Dear Section Members,

Welcome to our quarterly newsletter! I'm stepping in to write these introductory comments on behalf of our Section Chair, Victoria Helling, who will resume her introductory duties for our next newsletter in January.

This is my first newsletter as editor-in-chief, and I hope you find it useful. Please do not hesitate to get in touch with me if you have an article or practice document to share, or if you'd like to be featured.

In the meantime, I hope to see all of you at the Entertainment Law Institute on November 8-9 in Austin! If you're new to the field, I would also recommend attending the Entertainment Law 101 course on November 7, which includes intro level discussions on music licensing, music publishing, and intellectual property.

Sincerely,

[Erin Rodgers](#), Newsletter Editor

[Entertainment and Sports Law Section](#)

Events Calendar

[Entertainment Law Institute, TESLAW - Austin --- November 8-9, 2018](#)

Spotlight on Alissa McCain



Since 2015, Alissa has served as the Executive Director of Texas Accountants and Lawyers for the Arts (TALA). From 2012 to 2015, she was TALA's Central Texas Program Director, representing TALA and its members in the Austin area. She led the organization's move from its headquarters in Houston to Austin in October 2013. Alissa expanded TALA's services to include under resourced inventors in Texas through development and coordination of a patent pro bono program in partnership with the USPTO.

Prior to TALA, Alissa held positions at Austin Music Foundation, Austin Creative Alliance, and SXSW. She worked as a consultant and author on the *Austin Music Census*, a comprehensive report of the Austin music industry released in June 2015 and still used today as a baseline for City of Austin initiatives related to the creative sector. Appointed to the Arts Commission by Austin City Council member Ora Houston, she is the first commissioner to represent newly designated District 1, in which she lives. Alissa serves on the Board of Lawyer Referral Service of Central Texas. She is a founding board member of Capitol View Arts.

Alissa has worked in arts nonprofit services for the past 15 years. She has extensive experience building educational and revenue enhancing programs to assist artists. Throughout her career, Alissa has produced over 200 professional development events related to the creative industries that have served over 10,000 participants. Alissa's passion is providing resources to under-represented communities that allow artists to fully contribute their creative expressions without limits due to economic status or personal heritage.

Contact TALA or Alissa by [email](#).

Agents and 0-1 Extraordinary Ability Visas

By Al Staehely Jr. w/ Kyle Vento

Imagine being on stage with your favorite artist: Eric Clapton, Bruno Mars, or Garth Brooks. 360-degree virtual reality technology has made this a possibility, and artists and labels are beginning to catch on.

The technological progression of media has disrupted the entertainment industry for decades: mp3s replaced the CD, which replaced the cassette, which replaced 45s, etc. With each new shift, the industry has to adjust – some revenue streams are phased out as others are created. Recently, cutting-edge 360-degree video recording equipment has been utilized to record live music concerts in order to deliver the captured

performance in the latest media format, virtual reality (VR). Will the increasing interest in this technology pose another threat to the industry, by reducing the appeal of live concerts? Or will it bolster a crippled music industry, by providing a revitalizing income source?

360-degree videos are made by using a camera rig that holds multiple cameras mounted at specific angles recording simultaneously. The footage from the cameras is then synchronized and stitched together in a format that allows the user to view it through a VR headset, or in a 2-D format. The earliest versions of VR technology date back to the 1950s, but VR as we know it today was pioneered by NASA in 1985, when it developed the Virtual Visual Environment Display. This paved the way for the devices we use today, including the Oculus Rift, HTC Vive, and Samsung Gear VR.

Several companies, promoters, and artists have begun using the technology to allow fans to view concerts, often with additional material. Eric Church was allegedly the first artist to offer VR tickets to a live concert, which allowed fans to “attend” from anywhere in the world. In May 2017, Live Nation teamed up with Citi and Next VR to broadcast a concert featuring Slash & Friends which benefited the Los Angeles Zoo. Aside from the concert itself, fans were treated to behind the scenes of Slash backstage. In a testament to the growing popularity of the medium, even the 2017 Film Festival featured a VR video.

So, what are the pros and cons of using VR technology in the music industry? It may depend on your role: for lesser-known artists and smaller labels, creating VR material may be prohibitively expensive, at least for now. Visualise, a VR production company, has fees that begin at \$25,000 and can reach into six-figures, depending on the production. If a precedent is set that encourages fans to access concerts via VR rather than attending in person, artists who depend on live performance income but cannot afford to participate may see a decrease in attendance. However, for those who can afford the production costs, VR technology could increase their income by allowing more fans access to concerts, including those who may not live in an urban center.

For copyright owners, VR productions are one more source to add to the growing number of synchronization licensing opportunities. Not only would music need to be licensed for concert footage, etc., but there is also a market for VR music videos, and background music for other types of VR works, as it is increasingly used in the medical and educational fields.

Like any new technological development, the effects on the industry will not become fully apparent until the technology has been more widely accepted and utilized. However, like each paradigm shift before it, smart industry professionals will find a way to grow and adapt along with it, and to use it to help their clients and colleagues find new ways to succeed.

Al Staehely is an entertainment lawyer based in Houston, Texas. He has specialized in legal matters pertaining to the music and film industries since 1979. Al may be reached by [email here](#).

Practice Document

The [practice document](#) is a sample DMCA Notice Letter, which is provided by [Evan Stone](#). This letter can be used as a template when demanding that infringing material be removed from a website. Evan Stone is an entertainment lawyer in the Dallas area with

admissions to every federal district in Texas. He handles a variety of cases in his private practice and also serves part-time as in-house "Piracy Counsel" for FUNimation Entertainment, which is now a part of Sony Pictures Entertainment. Thanks to his background in software engineering, Stone has created several custom apps to assist his clients in finding/removing infringing content.

Send questions, comments, and submissions for TESLAW Tidbits

to Erin Rodgers at erin@rogersselvera.com.

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