



**MUSIC BUSINESS  
Northwest College**

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**MUSB 2355- LEGAL ASPECTS OF THE ENTERTAINMENT INDUSTRY**

**CRN 57163 - Fall 2011**

**Spring Branch Campus - Room 602 | 7:00- 10:00 pm |Thu**

**3 hour lecture course / 48 hours per semester/ 16 weeks**

**Instructor: Dr. Aubrey Tucker**

**Instructor Contact Information: Office phone: 713-718-5606**  
[aubrey.tucker@hccs.edu](mailto:aubrey.tucker@hccs.edu)

**Instructional Materials**

**TEXT: DEALMAKING IN the FILM and TELEVISION INDUSTRY, 3<sup>rd</sup> Ed. by Mark Litwak**

Other materials will be available on the Aubrey Tucker Learning Web site at:  
<http://learning.hccs.edu/>

**Office location: 443H Performing Arts Center**

**Office hours: 11-12 Monday, Tuesday, Thursday; 6-7pm Thursday and/or by appointment**

*Please feel free to contact me concerning any problems that you are experiencing in this course. You do not need to wait until you have received a poor grade before asking for my assistance. Your performance in my class is very important to me. I am available to hear your concerns and just to discuss course topics. Feel free to call or come by my office anytime during these hours or make an appointment to meet at another time.*

**Course Description**

Copyright law and the various agreements used in the entertainment industry. Emphasizes contracts used by music publishers, record companies, artist managers, record producers, film and television producers, and booking agencies.

**THIS MUSB 2355 COURSE EMPHASIZES DEALMAKING IN FILM & TELEVISION**

### **Prerequisites**

Completion of GUST 0342, MATH 0308, ENGL 0310 or 0349; OR passing grades on the Reading, Math, and English portion of the college assessment exam.

### **Course Goal**

To gain a basic understanding of the copyrights, negotiations, agreements and contracts required to administrate a film, television or musical project, and how profits are earned

### **Student Learning Outcomes**

1. The student will gain a basic knowledge and understanding of entertainment copyrights and some of the contracts used in the music, film and television industry.
2. The student will improve word processing and computer skills
3. The student will present an oral semester report, integrating skills learned in this class
4. The student can list the primary creative team in a film or television project and what kinds of agreements are required for each

### **Learning Objectives**

Students will:

1. Conduct an overview of U.S. Copyright Law, emphasizing copyrights in the entertainment industry
2. Improve word processing and computer skills by producing book and concert reviews and presenting an oral report with handouts
3. Examine an overview of contracts and deals in film and TV
4. Examine depiction and location releases, rights clearances and literary acquisition agreements
5. Review film and TV employment contracts with actors, writers, directors and composers
6. Overview the acquisition and distribution deals in film and TV
7. Examine the unions and guilds that serve the entertainment industry
8. Review negotiating tactics and strategies and "creative accounting" practices
9. Review the rights of publicity and privacy and defamation in literary works
10. Discuss trademarks and unfair competition
11. Review the process of remedies in contract default

12. Examine the roles of attorneys, agents and managers in entertainment dealmaking and employment

Unit exams will be given approximately 4 weeks apart. Study guides will be available on the Aubrey Tucker NCC Learning Web site prior to each exam.

Note: if you believe that you might need extra time for tests or need some special help in class, please call the ADA Office at 713/718-5708. Your ADA reference must be current.

**Course Grading Criteria (% of final grade)**

Daily attendance, participation	= 10%
8 Best Quizzes	= 25%
Unit exams 1-3, 10% each	= 30%
2 Concert reviews, 1.5% each	= 03%
1 Book Review	= 02%
Oral report, outlined and presented to class	= 15%
Final Exam (Exam 4) 5/12 7: 30 pm	= <u>15%</u>
(Final Exam Exempt with a 95% Average)	= <b>100%</b>

3 points added to final average for active participation in MEISA Student Organization)

**Grading percentile: the official HCC grading rubric is as follows:**

90–100 percent	A	Exceptionally fine work; superior in presentation, visual observation, comprehension and participation
80–89 percent	B	Above average work; superior in one or two areas
70–79 percent	C	Average work; good, unexceptional participation
60–69 percent	D	Below average work; noticeably weak with minimal participation
Below 60 percent	F	Clearly deficient in presentation, style and content with a lack of participation

**16 WEEK READING ASSIGNMENT AND COURSE PLANNING CALENDAR**

**All Reading assignments are from the Litwak text. Missed quizzes are not made up. Missed examinations must be made up within two weeks after the test date.**

**ASSIGNED READING SCHEDULE (LITWAK):**

<b>WEEK 1</b>	Litwak 1, 2	Introduction, Dealmaking
<b>WEEK 2</b>	Litwak 3,4	Permissions and Clearances
<b>WEEK 3</b>	Litwak 5	Literary Acquisition Agreements
<b>WEEK 4</b>	<b>EXAM I</b> Litwak 6	Employment Contracts
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<b>WEEK 5</b>	Litwak 7	Advice for Writers, Directors and Actors
<b>WEEK 6</b>	Litwak 8, ASCAP pamphlet	Music
<b>WEEK 7</b>	Litwak 10, 11	Negotiating Tactics, Creative Accounting
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<b>WEEK 8</b>	<b>EXAM II</b> , Tucker Handout	Intro to Copyright
<b>WEEK 9</b>	Litwak 12	Copyright
<b>WEEK 10</b>	Litwak 13, 14	1 <sup>st</sup> Amendment, Right of Publicity, Defamation
<b>LAST DAY FOR ACADEMIC WITHDRAWALS, NOVEMBER 3, 4:30PM</b>		
<b>WEEK 11</b>	Litwak 15, 16, Tucker Handout	Privacy, Trademarks, Unfair Competition
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<b>WEEK 12</b>	<b>EXAM III</b> Litwak 17	Remedies
<b>WEEK 13</b>	Litwak 18	Managers, Agents & Attorneys
<b>WEEK 14</b>	<b>YOUR ORAL REPORTS (10% BONUS)</b>	
<b>WEEK 15</b>	<b>YOUR ORAL REPORTS, 2<sup>ND</sup></b> Concert Review and Book Report Due	
<b>WEEK 16</b>	<b>FINAL EXAM: DECEMBER 13<sup>TH</sup>, 7:00 PM</b>	
	(Exempt with a 95% Average)	

**HCC Policy Statement - ADA**

Services to Students with Disabilities

Students who require reasonable accommodations for disabilities are encouraged to report to The Disability Support Service Office at Spring Branch Campus, 713-718-5697, to make necessary arrangements. Faculty are only authorized to provide accommodations by the Disability Support Service Office

### **HCC Policy Statement: Academic Honesty**

A student who is academically dishonest is, by definition, not showing that the coursework has been learned, and that student is claiming an advantage not available to other students. The instructor is responsible for measuring each student's individual achievements and also for ensuring that all students compete on a level playing field. Thus, in our system, the instructor has teaching, grading, and enforcement roles. You are expected to be familiar with the College's Policy on Academic Honesty, found in the catalog. What that means is: If you are charged with an offense, pleading ignorance of the rules will not help you. Students are responsible for conducting themselves with honor and integrity in fulfilling course requirements. Penalties and/or disciplinary proceedings may be initiated by College System officials against a student accused of scholastic dishonesty. "Scholastic dishonesty": includes, but is not limited to, cheating on a test, plagiarism, and collusion.

Cheating on a test includes:

- Copying from another students' test paper;
- Using materials not authorized by the person giving the test;
- Collaborating with another student during a test without authorization;
- Knowingly using, buying, selling, stealing, transporting, or soliciting in whole or part the contents of a test that has not been administered;
- Bribing another person to obtain a test that is to be administered.

Plagiarism means the appropriation of another's work and the unacknowledged incorporation of that work in one's own written work offered for credit.

Collusion mean the unauthorized collaboration with another person in preparing written work offered for credit. Possible punishments for academic dishonesty may include a grade of 0 or F in the particular assignment, failure in the course, and/or recommendation for probation or dismissal from the College System. (See the Student Handbook)

### **HCC Policy Statements**

*Class Attendance - It is important that you come to class!* Attending class regularly is the best way to succeed in this class. Research has shown that the single most important factor in student success is attendance. Simply put, going to class greatly increases your ability to succeed. You are expected to attend all lecture and labs regularly. You are responsible for materials covered during your absences. Class attendance is checked daily.

Although it is your responsibility to drop a course for nonattendance, the instructor has the authority to drop you for excessive absences. If you are not attending class, you are not learning the information. As the information that is discussed in class is important for your career, students may be dropped from a course after accumulating absences in excess of 12.5% hours

of instruction. The six hours of class time would include any total classes missed or for excessive tardiness or leaving class early. You may decide NOT to come to class for whatever reason. As an adult making the decision not to attend, you do not have to notify the instructor prior to missing a class. However, if this happens too many times, you may suddenly find that you have “lost” the class.

Poor attendance records tend to correlate with poor grades. If you miss any class, including the first week, you are responsible for all material missed. It is a good idea to find a friend or a buddy in class who would be willing to share class notes or discussion or be able to hand in paper if you unavoidably miss a class.

Class attendance equals class success.

### **HCC Course Withdrawal Policy**

If you feel that you cannot complete this course, you will need to withdraw from the course prior to the final date of withdrawal. Before, you withdraw from your course; please take the time to meet with the instructor to discuss why you feel it is necessary to do so. The instructor may be able to provide you with suggestions that would enable you to complete the course. Your success is very important. Beginning in fall 2007, the Texas Legislature passed a law limiting first time entering freshmen to no more than **SIX** total course withdrawals **throughout** their educational career in obtaining a certificate and/or degree.

To help students avoid having to drop/withdraw from any class, HCC has instituted an Early Alert process by which your professor *may* “alert” you and HCC counselors that you might fail a class because of excessive absences and/or poor academic performance. It is your responsibility to visit with your professor or a counselor to learn about what, if any, HCC interventions might be available to assist you – online tutoring, child care, financial aid, job placement, etc. – to stay in class and improve your academic performance.

If you plan on withdrawing from your class, you **MUST** contact a HCC counselor or your professor prior to withdrawing (dropping) the class for approval and this must be done **PRIOR** to the withdrawal deadline to receive a “W” on your transcript. **\*\*Final withdrawal deadlines vary each semester and/or depending on class length, please visit the online registration calendars, HCC schedule of classes and catalog, any HCC Registration Office, or any HCC counselor to determine class withdrawal deadlines. *Remember to allow a 24-hour response time when communicating via email and/or telephone with a professor and/or counselor. Do not submit a request to discuss withdrawal options less than a day before the deadline.***

If you do not withdraw before the deadline, you will receive the grade that you are making in the class as your final grade.

### **Repeat Course Fee**

The State of Texas encourages students to complete college without having to repeat failed classes. To increase student success, students who repeat the same course more than twice,

are required to pay extra tuition. The purpose of this extra tuition fee is to encourage students to pass their courses and to graduate. Effective fall 2006, HCC will charge a higher tuition rate to students registering the third or subsequent time for a course. If you are considering course withdrawal because you are not earning passing grades, confer with your instructor/counselor as early as possible about your study habits, reading and writing homework, test taking skills, attendance, course participation, and opportunities for tutoring or other assistance that might be available.

### **Classroom Behavior**

As your instructor and as a student in this class, it is our shared responsibility to develop and maintain a positive learning environment for everyone. Your instructor takes this responsibility very seriously and will inform members of the class if their behavior makes it difficult for him/her to carry out this task. As a fellow learner, you are asked to respect the learning needs of your classmates and assist your instructor achieve this critical goal.

### **Use of Camera and/or Recording Devices**

As a student active in the learning community of this course, it is your responsibility to be respectful of the learning atmosphere in your classroom. To show respect of your fellow students and instructor, you will turn off your phone and other electronic devices, and will not use these devices in the classroom unless you receive permission from the instructor. Use of recording devices, including camera phones and tape recorders, is prohibited in classrooms, laboratories, faculty offices, and other locations where instruction, tutoring, or testing occurs. Students with disabilities who need to use a recording device as a reasonable accommodation should contact the Office for Students with Disabilities for information regarding reasonable accommodations

### **Instructor Requirements**

As your Instructor, it is my responsibility to:

- Provide the grading scale and detailed grading formula explaining how student grades are to be derived
- Facilitate an effective learning environment through class activities, discussions, and lectures
- Description of any special projects or assignments
  
- Inform students of policies such as attendance, withdrawal, tardiness and make up
- Provide the course outline and class calendar which will include a description of any special projects or assignments
- Arrange to meet with individual students before and after class as required