

MUSIC LAW
DePaul University College of Law
Spring, 2009

COURSE SYLLABUS

- Adjunct Professor: Thomas R. Leavens
- Office Hours: By appointment. I may be reached at 847.767.0118 or at trleavens@gmail.com
- Course Text: *Legal Aspects of the Music Industry*, by Richard Schulenberg, Billboard Books (2005)
- Case and Legislation Outline is provided for supplemental reference.
- Grades: Grades will be based on a two-hour final exam and class participation. Class participation can improve your final grade up to one full grade.
- Attendance: It is not necessary to advise of an absence in advance. I may be contacted to discuss material missed due to an absence.
- January 13, 2009** Introduction to class and instructor, structure and major actors of the music industry, and terms, definitions, and vocabulary.
- Schulenberg** – pp. 561 through 571.
- January 20, 2009** Creating Assets and Value – copyrights, trademarks, personal identity and publicity rights, internet domains, data, and contractual rights.
- Schulenberg** - 493 through 534
- Kassbaum v. Steppenwolf Productions, 236 F.3d 487 (9th Cir. 2000)
- Waits v. Frito-Lay, Inc., 978 F. 2d 1093 (9th Cir. 1992), cert. denied, 506 U.S. 1080 (1993)
- Dastar v. Twentieth Century Fox Film Corp., 539 U.S. 23 (2003)
- Tin Pan Apple, Inc. v. Miller Brewing Co., Inc., 737 F. Supp. 826 (S.D.N.Y. 1994)

Toney v. L'Oreal U.S.A., Inc., 384 F.3d 486 (7th Cir. 2004)

January 27, 2009

Ownership – work-for-hire, co-authorship, assignment, co-ownership, incorporation of pre-existing material, loan-out companies.

Diamond v. Gillis, 357 F. Supp.2d 1003 (E.D. Mich. 2005).

Kolton v. Universal Studios, Inc., 73 U.S.P.Q.2d 1603 (C.D. Cal. 2004)

Papa's-June Music, Inc. v. McLean, 921 F. Supp. 1154 (S.D.N.Y. 1996)

February 3, 2009

Personal Representatives – managers, agents, attorneys, business managers.

Schulenberg – 544 through 557

Reznor v. J. Artist Management, Inc., et al., 365 F. Supp.2d 565 (S.D.N.Y. 2005)

Croce v. Kurnit, 737 F.2d 229 (2d Cir. 1984)

February 10, 2009

Music Publishing – Songwriter and Co-Publishing Agreements

Schulenberg – 269 through 327

Songwriters Guild of America Popular Songwriters Contract

<http://www.pdfdownload.org/pdf2html/pdf2html.php?url=http%3A%2F%2Fwww.songwritersguild.com%2Fcontract.pdf&images=yes>

Mellencamp v. Riva Music, Ltd., 698 F. Supp. 1154 (S.D.N.Y. 1988)

Third Story Music, Inc. v. Waits, 48 Cal.Rptr.2d 747 (1995)

Thom Shepherd v. Maximus Entertainment Group, Inc., 2005 WL 2138241 (Tenn. Ct. App.)

February 17, 2009

Music Publishing – Administration and Sub-Publishing Agreements; Performing Rights Organizations

Schulenberg – 328 through 357; 406 through 428

Broadcast Music, Inc. v. Claire's Boutique's, Inc., 949 F.2d 1482 (7th Cir. 1991), cert. denied, 504 U.S. 911 (1992).

Robert Stigwood Group Limited v. Sperber, 457 F.2d 50 (2d Cir. 1972)

Reinhardt v. Wal-Mart Stores, Inc., 86 U.S.P.Q.2d 1496 (S.D.N.Y. 2008)

February 24, 2009 Recording Agreements – Scope, Term, Options, Delivery Requirements

Schulenberg – 20 through 62; 246 through 254

PolyGram Records, Inc. v. Legacy EntertainmentGroup, LLC, 205 S.W.3d 439 (Tenn. Ct. App. 2006)

Vanguard Recording Society v. Kweskin, 276 F. Supp. 563 (S.D.N.Y. 1967)

Polygram Records, Inc. v. Buddy Buie Productions, Inc., 520 F. Supp. 248 (S.D.N.Y. 1981)

March 3, 2009 Recording Agreements – Royalties and Accountings

Schulenberg – 62 through 125

MCA Records, Inc. v. Newton-John, 90 Cal.App.3d 18 (1979)

Peterson v. Highland Music, Inc., 140 F.3d 1313 (9th Cir. 1998), cert. denied, 525 U.S. 983 (1998)

March 10, 2009 Recording Agreements – Remaining Terms; Video & DVD

Schulenberg – 125 though 202; 255 through 268

Williams v. UMG Recordings, Inc., 281 F. Supp.2d 1177 (C.D.Cal. 2003).

UMG Recordings, Inc. v. Disco Azteca Distributors, 446 F. Supp.2d 1164, 1178 (E.D. Cal. 2006).

Pamfiloff v. Giant Records, Inc., 794 F. Supp. 933 (N.D. Cal. 1992).

- March 17, 2009** Producer Agreements
- Schulenberg** – 206 through 221; 233 through 245
- TVT Records v. The Island Def Jam Music Group, 412 F.3d 82 (2d Cir. 2005)
- March 31, 2009** Distribution and Master Licensing
- Schulenberg** – 222 through 232; 429 through 455; 463 through 483
- April 7, 2009** Tours, Sponsorship, and Merchandising
- Schulenberg** – 358 – 366
- April 14, 2009** Digital Music
- Schulenberg** – 484 through 492; 535 through 543;
- Grand Upright Music, Ltd. v. Warner Bros. Records, Inc., 780 F. Supp. 182 (S.D.N.Y. 1991)
- Newton v. Diamond, 349 F.3d 591 (9th Cir. 2003)
- Bridgeport Music, Inc. v. Dimension Films, et al, 410 F.3d 792 (6th Cir. 2005).
- Amen Break - <http://www.youtube.com/watch?v=5SaFTm2bcac>
- April 21, 2009** Digital Music
- A&M Records, Inc. v. Napster, Inc., 239 F.3d 1004 (9th Cir. 2001)
- In re: Aimster Copyright Litigation, 334 F.3d 643 (7th Cir. 2003), cert. denied, 540 U.S. 1107 (2004)
- Metro-Goldwyn-Mayer Studios, Inc, et al v. Grokster, Ltd., 545 U.S. 913 (2005)