Mission Statement:
Our mission is to serve as a leading center of Christian thought and action providing an excellent education from a biblical perspective and global context in pivotal professions to equip Christian leaders to change the world.

COURSE SYLLABUS

SCHOOL OF COMMUNICATION & THE ARTS

SCA641 - 01 MAT
LAW, POLICY & ETHICS IN THE INTERACTIVE AGE
FALL 2011
W 9:00 – 11:55 A.M.

INSTRUCTOR INFORMATION
Instructor: Adjunct Professor Stephen D. Lentz, Esq.
Phone: 757-965-5402
Fax: 757-962-3615
E-mail: sl@lentz-law.com; steplen@regent.edu
Office Hours: Upon Request
Office Location: Off Site

Graduate Assistant: Macayla Nicolaison
mn@lentz-law.com

All students are required to read and have a thorough understanding of the syllabus. Any questions or concerns need to be addressed to the instructor.
COURSE DESCRIPTION

This is an introductory course in entertainment and media law. To the extent applicable, the legal and political issues covered in this course build upon students’ existing knowledge and understanding of media law. No prior experience is, however, required.

RATIONALE/COURSE OVERVIEW

Drawing from mass media law, intellectual property law, entertainment law, cyberlaw, and basic contract law, this course will address the practical legal concerns of a wide variety of entertainment legal issues for producers, bloggers, filmmakers, journalists, advertisers, and game creators. With such a broad range of topics, this course serves as a survey of the basic issues which merit your awareness and understanding, as well as a springboard from which you can explore specific topics in greater depth.

Legal issues in today’s media build upon those with which you may already have some familiarity: free speech and free press issues, intellectual property rights, publicity and privacy protections and many other issues which have framed the very meaning of American rights and liberties. But as always, changes in technology force changes in the law. The new digital landscape means that producers, lawyers, and policy makers must reevaluate the contexts in which the law is conceived, written, interpreted, and applied. In some instances, new laws are created; in others, existing laws are critiqued and debated for their continuing efficacy in the face of new technologies.

This course is not designed for future lawyers. It is designed to introduce the student to foundational principles to guide your decisions, and give you some resources that will be helpful when you need some guidance.

The weekly schedule below is provided as an aspirational guideline for this course, but, given that the emphasis of this course will address developing legal issues, some adjustments can be anticipated. Several notable guest speakers will be invited to join us as well.

COURSE (ENTERTAINMENT LEGAL ISSUES SCA641 MAT) OUTCOMES

At the end of this course, the student will be able to:

• Describe generally historical developments and current trends in American media law while comparing and contrasting the law of traditional MSM to that of emerging media technologies in use in the United States and internationally
  Assessment: Semester paper, class participation

• Anticipate responsibilities and potential liabilities of digital media producers
  Assessment: Topic presentation, semester paper, class participation

• Articulate a Christian perspective governing the relationships between media producers and the government, other media professionals, and the public, and evaluate the ethics and efficacy of existing and proposed government policy
  Assessment: Semester paper, class participation
**COURSE MATERIALS**

**Required Materials:**

Students are responsible for acquiring the following books and materials for this course by the time the course begins:


Additional materials (e.g., PowerPoint files, journal articles, media, and the like) may be found on Blackboard. Students are responsible for the information and materials distributed through Blackboard and/or for materials provided in any face-to-face class periods.

**Recommended Resources:**


- **Legal Research:**
  
  
  
  
  Partial list of international trademark offices can be found at [http://www.lfiplaw.com/general.php?category=Resources&headline=Trademarks+Resources](http://www.lfiplaw.com/general.php?category=Resources&headline=Trademarks+Resources)

- **Organizations, commentary, blogs, etc. (These are not definitive statements of the law and should not be relied upon to provide legal opinion.):**
  
  
  
  
  [http://creativecommons.org/](http://creativecommons.org/)
  
  [http://www.medialaw.org/](http://www.medialaw.org/)
  
  [http://cyber.law.harvard.edu/](http://cyber.law.harvard.edu/)
  
  [http://www.eff.org/](http://www.eff.org/)
  
  
COURSE REQUIREMENTS AND ASSIGNMENTS

General Course Requirements:

1. Attendance and Participation: Your attendance and participation are important means for the instructor to assess your skills, quality of thought, and growth as a student. The attendance policy and procedures are described below. Although your mere presence in the classroom does not guarantee adequate class participation, it is certainly a necessary first step. Therefore, if you anticipate an absence, please notify me in advance. More than one absence in the semester -- unless you and I have discussed it and I have determined the absences are excused and we have agreed upon a way for you to make up the work -- may negatively impact your grade for the semester. When applicable, requirements for your participation in Blackboard discussions — important both for your learning and for your instructor’s evaluation of your progress in the course—are described below (see the subsequent section 5 “Blackboard”)

2. Assignments: Pay close and timely attention to reading assignments and other assigned work posted in the syllabus and Blackboard. You are responsible for preparing assigned readings carefully by the date listed on the schedule below and to complete tests, projects, and other assignments by the date listed. Out of fairness to all, late assignments are penalized as described below under “Late Assignments.” All assignments should be submitted in class with a copy e-mailed to mn@lentz-law.com. E-mail subject lines should reference your last name and the name of the assignment (ex: Lentz - Semester Paper). All written assignments should be submitted on numbered pages that also include your last name (use the header/footer feature for this). Use either MLA or ABA style guides.

- **Class Participation** 10%
  Whether on campus or online, each student’s participation is necessary for a robust and interesting discussion, and that’s why I take this portion of your grade seriously. Understanding that some students are naturally more loquacious than others, I’ll give everyone the opportunity -- wanted or not -- to contribute to class discussions by calling on students with as much equity as is possible. Class assignments to create documents from the Fishman CD Rom will count toward some credit toward full class participation, along with class contributions to discussions. Participation will be judged not only on quantity but on quality. Make sure you have prepared for class by not only reading or viewing the required materials, but by developing some thoughtful comments, insightful questions and/or cogent arguments about the material. Going outside the listed reading/viewing to supplement the discussion is always appreciated, provided the addition is relevant to the topic at hand.

- **Semester Paper** 30%
  Towards the beginning of the semester, I’ll post/provide a list of paper topics from which you can choose. However, if you have an idea that’s not on the list but otherwise fits within the scope of this course, feel free to discuss it with me as an
alternative. You will write a 12-15 page research paper which addresses the following aspects of your chosen topic: (1) Background (approximately 15%), (2) Current State of the Law, including notable cases, congressional legislation, international treaties, etc. (approximately 15%), any (3) Controversies or Debates within the media, internet, legal, or legislative communities surrounding the topic (approximately 35%) and (4) Your Personal Opinion on the matter, including an evaluation of current policy, suggestions for future directions, and an application of biblical principles to the issue (approximately 35%). See Section 2 “Assignments,” regarding how to turn in papers.

- **Topic Presentation**  **30%**
  On the date you choose during the first month of class, you’ll present your topic chosen to write your semester paper on. It is not necessary that your paper be complete in order to do so, and the information presented in each need not be identical. In order to properly prepare your colleagues beforehand, you will need to write a 1-2 page “study guide” handout (examples will be distributed) which will introduce them to the topic and provide up to four additional readings (which may include popular or scholarly articles or book chapters, but at least one scholarly article). Each presentation will be graded on clarity, creativity, and completeness. I expect that every member of the class will prepare for their colleagues’ presentations and participate in the discussions, and those efforts will be reflected in your class participation scores. Length of presentation will vary depending on class size.

- **Final Exam**  **30%**
  A very practical reality in the practice of law or in conducting business in the entertainment field is the ability to identify and recognize the issues presented and then access the appropriate resources to find the legal implications and answers to questions that arise.
  The course will culminate in an open-book final exam consisting of true-false and short answers. The student is expected to become familiar with the two required text books as permanent resource materials for their media law library.

1. **Late Assignments:** Court cases have been lost because of missed deadlines, so I take them seriously and expect that you will, too. Therefore, late assignments will automatically be graded one letter grade lower for every day they are late. If you have a personal emergency which will make it impossible for you to turn in an assignment when it is due, please let me know as early as possible and I will take your case into consideration.

2. **Policies and Procedures:** Carefully follow course policies and procedures regarding writing, academic honesty, submission of assignments, formatting, and other matters, as specified below or through Blackboard. Since following directions is a crucial skill for university graduates—and since the smooth operation of our course depends on all of us meeting each other’s expectations—adherence to policies can positively or adversely affect a student’s grade. **E-mail:** All students are required to keep their mailing address, e-mail address, and telephone numbers up to date in **GENISYS**.  
[http://www.regent.edu/general/student_orientation/tutorials/genisys.cfm](http://www.regent.edu/general/student_orientation/tutorials/genisys.cfm)
3. **Writing:** All papers and essays at Regent University must follow the writing style format required by the degree specialty for which they are being written. You may use either APA or MLA style for your papers in this course.

4. **Course Completion/Incompletes:** All courses require extensive engagement (with other students, the instructor, and with the course materials) as well as timely completion of assignments. Many assignments are due weekly. Thus, keeping up with the schedule is essential to your success. Some work is difficult or even impossible to make up (such as discussion with others), so you must plan your schedule carefully. Be sure you can complete this course in the scheduled period. Grades of “Incomplete” will be granted only for true emergency situations, not for poor planning. The policy for grades of “Incomplete” can be found in the School of Graduate Studies Catalog, found online.

5. **Blackboard:** From time to time, I’ll be posting information, primarily articles and other reading material, on Blackboard. When I do so, I’ll notify you in class and/or send via an e-mail sent to your Regent e-mail account. Students must keep their e-mail address current in Blackboard; they are expected to check their Regent e-mail daily to ensure timely receipt of messages.

6. **Internet and Software:** You must have continuous access to a working and dependable Internet provider as well as reliable e-mail software that can send and receive attachments. You must also have access to Microsoft Word 2000 or later for writing assignments.

**EVALUATION AND GRADING**

A. **Weight**

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B. **Scale**

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COURSE SCHEDULE (WEEK-BY-WEEK)

Week 1 – August 24
INTRODUCTION
Preparation:  Read Miller Chapter 1
Class Discussion:  BASICS OF THE AMERICAN LEGAL SYSTEM

You do not need to be an expert on civil procedure to have a solid, practical understanding of the legal system. Now, more than ever, media producers are faced with the personal responsibility of knowing the most current law and navigating the legal system on their own. We will discuss the basics of the American legal system, including sources of the law, the court system and how to find the law.

Week 2 – August 31
PRODUCTION PREPARATION
Preparation:  Read Miller Chapters 2-3
Class Discussion: LEGAL PREPARATIONS FOR PRODUCTION

Before you begin the creative process, it is important to conduct some basic housekeeping so that your production matches your expectations as closely as possible (and when it does not, to ensure that your liability is limited and/or you have legal recourse against those who did not hold up their part of the bargain!)

A savvy producer must be able to reasonably anticipate his or her responsibilities and potential liabilities, as well as plan the production by executing contracts for goods, services and talent. The online producer must also spell out important relationship details with future users through terms of use agreements and privacy policies.

Week 3 – September 7
ACQUISITION PART I
Preparation:  Read Miller Chapter 4.  Read Fishman Chapter 1-2
Class Discussion: PHILOSOPHY AND THORY OF INTELLECTUAL PROPERTY IN THE DIGITAL AGE

The ownership and control of intellectual property – the written, visual and aural expressions that comprise media content – have enjoyed a long tradition of protection in the United States and around the world. Copyright protections in the U.S. have increased in recent decades even as new technologies make copyright infringements easier than ever. There is great confusion about property rights among artists, educators, and net users and debates are arising in greater number over the future of copyright law and policy. We will explore the debate in class.

Week 4 – September 14
ACQUISITION PART II
Preparation:  Read Fishman Chapter 2-4
Assignment: Produce a “Work made for Hire Agreement” Instructions: Find template on CD-ROM provided with required text, The Copyright Handbook: What Every Writer Needs to
Know. Print out, review and be prepared to discuss in class. Will be handed in class, and counts toward class participation.

Class Discussion: COPYRIGHT BASICS

How do I know whether my background in music is in the public domain?
I want to create a parody of an existing film – is that permitted?
Can I use a YouTube video clip in my presentation?
What if the video clip I need was produced in another country?

This second of the two-part discussion will examine how traditional intellectual property rights – specifically copyright and trademark laws – continue to apply to created works published on emerging media.

We will review what kinds of works copyright law covers, what rights its protections extend to, when works fall into the public domain, and what constitutes fair use of protected material. We will analyze the risks involved in not obtaining permission, as well as review the basic steps to clearing rights on protected material.

Week 5 – September 21
COPYRIGHT OWNERSHIP
Preparation: Read Fishman Chapters 5-8
Class Discussion: PROTECTING AND TRANSFERRING COPYRIGHTED MATERIAL

The class will examine what copyright protects, the application of derivative works and compilations, the issues surrounding jointly authored works and the effective transfers between writers and publishers. The class will also begin to address the copyright issues involved in electronic publishing.

Week 6 – September 28
PRODUCTION PART 1
Preparation: Read Miller Chapter 5
Assignment: Produce a “Collaboration Agreement” Instructions: Find template on CD-ROM provided with required text, The Copyright Handbook: What Every Writer Needs to Know. Print out, review and be prepared to discuss in class. Will be handed in class, and counts toward class participation.
Class Discussion: CREATING NEW CONTENT: Journalists, bloggers, documentary filmmakers, and other content creators.

Mainstream news outlets may be taking a hit, but writers, photographers, videographers and other members of the “participatory press” are finding new outlets for their reporting and storytelling on the Internet. When does the new “reporting” affecting private property, recording of private information and invasion of the rights of privacy of individuals? We will examine First Amendment protections, libel law, and privacy concerns in this class session.

Week 7 – October 5
PRODUCTION PART II
Preparation: Read Fishman Chapters 9-10
Class Discussion: CREATING NEW CONTENT: Special Issues

Certain types of content are subject to additional laws and regulations and/or require special attention. This class will review existing law regarding obscene content, content related to children, political content, and content contained in school-sponsored but student-created websites.

Week 8 – October 12
PACKAGING
Preparation: Read Miller Chapter 6
Class Discussion: THE USE OF MUSIC IN MEDIA PRODUCTIONS

Discussion of the differences between synchronization rights, public performance rights, and master recording rights, as well as the roles of ASCAP and BMI in licensing those rights and the role of the 1995 Digital Performance Right in Sound Recording Act.

October 19 - Fall Break - Modular Week - No Classes

Week 9 - October 26
PRODUCTION PART III
Preparation: Read Miller Chapters 7-8
Assignment: Produce a “Copyright Permission Request” Instructions: Find template on CD-ROM provided with required text, The Copyright Handbook: What Every Writer Needs to Know. Print out, review and be prepared to discuss in class. Will be handed in class, and counts toward class participation.
Class Discussion: BASIC EMPLOYMENT ISSUES

Actors, writers, musicians and technicians depend on producers to understand the basics of labor law, including working with guilds and unions, hiring international talent and the implications of national and international works-made-for-hire laws.

Week 10 – November 2
COPYRIGHT DURATION AND FAIR USE PRIVILEGE
Preparation: Read Fishman Chapters 9-10
Class Discussion: HOW LONG DOES COPYRIGHT LAST?
WHEN CAN I USE SOMEONE ELSE’S MATERIAL?

Copyright protection does not last forever. What is the effect of a valid copyright on the author, his estate, his children, grandchildren, great grandchildren, publishers, agents and businesses that have acquired an interest in the copyright? The class will explore these issues.

In addition, when is it permissible to use someone else’s words? What are the copyright implications when you want to use a quote, a paraphrase, a photocopy or other material written by others?
Week 11 – November 9  
**DISTRIBUTION PART I**  
Preparation: Read Miller Chapter 9  
**Assignment:** Produce a “Copyright License”  
**Instructions:** Find template on CD-ROM provided with required text, The Copyright Handbook: What Every Writer Needs to Know. Print out, review and be prepared to discuss in class. **Will be handed in class, and counts toward class participation.**  
Class Discussion: PROTECTING YOUR PRODUCTION AND ENSURING COMPLIANCE.  

What must a producer do to fully protect his/her creation? This class will discuss practical steps necessary to secure both a copyright and trademark, and transfer or license rights.

Week 12 – November 16  
**DISTRIBUTION PART II**  
Preparation: Read Fishman Chapters 11-12  
**Assignment:** Produce a “Notice of Claimed Copyright Infringement”  
**Instructions:** Find template on CD-ROM provided with required text, The Copyright Handbook: What Every Writer Needs to Know. Print out, review and be prepared to discuss in class. **Will be handed in class, and counts toward class participation.**  
Class Discussion: SPECIAL INTERNET DISTRIBUTION ISSUES.  

If I write something libelous on a blog in Virginia, can I be sued in Australia?  
If someone posts something libelous, threatening or obscene on a site I host, am I liable?  
When am I liable for copyright infringements made by third parties on my website?  

Legal issues dealing with distribution of content on the Internet are complex. This class will discuss potential international liability issues, discuss online service operator liability for third-party postings, learn how domain names may infringe on trademarks, and investigate whether there exists a right to “deep link” to other websites.

Week 13 – November 23  
**Copyright Taxation & Obtaining Permission I**  
Preparation: Read Fishman Chapters 13-14  
**Assignment:** Produce a “Text Permission Agreement”  
**Instructions:** Find template on CD-ROM provided with required text, The Copyright Handbook: What Every Writer Needs to Know. Print out, review and be prepared to discuss in class. **Will be handed in class, and counts toward class participation.**  
Class Discussion: DISCUSSION OF TAX ISSUES FOR WRITERS  
DISCUSSION OF OBTAINING PERMISSION TO USE INTELLECTUAL PROPERTY.

This class will introduce the students to the kind of income tax deductions available to freelance writers and creators of intellectual property. Special attention will be given to the “Hobby Loss Rule” to determine the maximum deductions allowable for this kind of activity and on Copyright Income taxation.
In addition, we will begin to address the issues of obtaining permission to use other’s materials, what to do when you can’t find the “rights holder”, and negotiating strategies for paying permission fees.

Week 14 – November 30
**Obtaining Permission II**
Preparation: Read Fishman Chapter 14
Class Discussion: CONTINUATION OF DISCUSSION OF OBTAINING PERMISSION TO USE INTELLECTUAL PROPERTY.

Week 15 – December 7
**TOPIC PRESENTATIONS: BRING HANDOUT FOR CLASSMATES**

**SEMESTER PAPERS DUE**

Week 16 – December 15
**OPEN BOOK FINAL EXAM**

**UNIVERSITY POLICIES AND RESOURCES**

Please review the following links for important information on University policies:

- Academic Calendar/Registrar Information
- Bookstore
- Honor/Plagiarism Policy
- Regent Library
- Student Services (includes links to student handbook, disability services, University calendar, University Writing Center, etc.)
- Technical Support – University Helpdesk
- Grading Policies (incompletes, extensions, IPs, etc.)
- Student Course Evaluations

Last Updated: 6/14/2011

At times, due to unforeseen circumstances, course materials may be subject to change. Please check with your professor to insure you have the most recently updated Syllabus for this course.