DIPLOMA IN ARTS, ENTERTAINMENT AND MEDIA LAW (NEW)

Start date: Thursday 17 October 2019

Delivery method: Blended learning: Thursdays 6pm to 8:30pm, with workshops on occasional Saturdays

Assessment: 2 x 2,500-word written assignments (worth 50% each)

Fee: €2,500

Programme objectives
On completion of this course, participants will be able to:
- Identify the means of acquiring, protecting, commercialising, and renouncing property rights in literary, dramatic, musical, and artistic works,
- Advise clients who are artists/performers/authors on their intellectual property rights and protecting their brand;
- Critically analyse defamation and its application in print, online and broadcast media
- Review journalistic privilege and reporting obligations;
- Analyse liability relating to social media and online offences;
- Appraise the effectiveness of means used to protect copyright across borders and across media platforms,
- Identify legal principles that affect contracts for production, performance, composition, recording, broadcasting, publishing, and distribution,
- Analyse the specific conditions that would attach to financing and funding agreements for films, television programmes, concerts and events, and contracts with agents and brokers,
- Draft the key clauses in sponsorship, publishing and music recording
- Evaluate the benefits of artists/performers using Ireland as a base
- Investigate how to best protect clients from litigation

Programme structure and approach to learning

The worlds of art, entertainment and media are the creative industries but sometimes legal pitfalls abound. Ireland is an attractive base for the arts so the requirement for lawyers who can advise with confidence in these areas is growing.

Whether the client is an author, artist, actor, musician, promoter, tv studio or broadcaster, they require carefully drafted agreements to protect their interests. The commercialisation of creative works, funding, sponsorship, broadcasting and ticketing and merchandising, will all be examined.

Authorship and copyright is a real concern across the arts, entertainment and media sectors particularly the means of acquiring and protecting rights in literary, dramatic, musical and artistic works.

The proliferation of social media and the immediacy of distribution has re-defined the concepts of publication and broadcast with defamation always a potential issue.

The course will also help you to help your client in an age in which technology takes pride of place – covering issues such as geographic limitations on broadcasting, licensing rights, exploitation of allied and ancillary rights, and protecting copyright in an age of P2P and
anonymous online streaming. The course will delve into the topics of ownership, theft, restitution, and provenance and will look to help rights' holders safeguard their interests and maximise potential returns.

This diploma will offer an in-depth analysis of the law affecting the arts, entertainment, and media spaces. Participants will be guided through the practical aspects of the law by experienced legal practitioners, industry representatives and leaders, members of the public sector, and high-ranking representatives of international bodies, non-governmental organisations, and large multinationals.

The course applies a blended approach to learning, where Thursday-evening lectures are webcast and recorded, and workshops are held on-site on Saturdays. These practical workshops are facilitated by means of case studies and role-play sessions.

The programme is based on the following modular scheme and covers key themes as listed below:

**MODULE 1: Introduction to Arts, Entertainment and Media Law**
- Overview of the arts, entertainment and media scene in Ireland,
- Topical legal issues that arise,
- Ireland as a base for artists and performers,
- Employment issues and contracts, promoters, collaborations, commissions.

**MODULE 2: Ownership and Copyright**
- Authorship, co-authorship and other means of acquiring rights,
- Duration of copyright,
- Copyright in literary, dramatic, musical, artistic works, photographs, sound recordings,
- Exploitation of copyright - commissioned works, assignments, licences,
- Copyright infringement – restricted acts, copying, adaptations, digitisation,
- Permitted acts, exclusions, defences. P2P, streaming, counterfeiting,
- Restitution of art, counterfeiting and provenance.

**MODULE 3: Performer rights and brand**
- Moral rights and the right to be identified as author/director,
- Rights in performances,
- Image rights, trademarks, passing off,
- Protecting an artist's personal brand,
- Sponsorship agreements and key clauses,
- Right to privacy – GDPR, photography, CCTV, drones.

**MODULE 4: Media Law**
- Evolution of media and the legal challenges,
- Defamation and defences. Injunctions,
- Social media and the law - liability for blogging, trolling, revenge porn,
• Liability of ISPs,
• Advertising restrictions,
• Freedom of expression, journalistic privilege, censorship,
• Reporting obligations.

MODULE 5: Broadcasting

• Broadcasting and transmission,
• Regulatory frameworks, broading agreements, broadcast sponsorship,
• Broading issues -ownership of content, licensing agreements,
• Liability for content, pay-per-view, broadcasting and sport, VPNs.

MODULE 6: Music industry

• Representing a performer/group,
• Composers, publishers,
• Dealing with agents, managers, management agreements,
• Artist recording contracts, advances, royalties,
• Options, artist warranties, departure of band member,
• Presentation from artist/IMRO.

MODULE 7: Film and TV

• Pre-production issues, screenplay/script development,
• Location arrangements,
• Rights content, performer rights consent,
• Rental rights, release dates,
• Productions agreements, distribution agreements,
• Co-productions, locations,
• Concurrent use arrangements.

MODULE 8: Publishing

• Self-publishing considerations,
• Author-publisher agreements and key clauses,
• Grant of rights, duration, territorial scope,
• Nature and length of works,
• Presentation from author/publishing house.

MODULE 9: Events

• Finance and funding agreements for concerts, sporting and other events,
• Promoter agreements,
• Important warranties and indemnities in contracts, penalties,
• Merchandising, marketing, ticketing and sales,
• Ambush marketing,
• Sponsorship agreements,
• Grant of rights, duration, territorial scope.
Workshops
Workshops are a key feature of this course. These are designed to be interactive and involve working in groups on selected case-study problem and analysis, with an emphasis on the application of the relevant law to common scenarios encountered in practice.

- Workshop 1 – Saturday 23 November 2019 from 10am to 3pm (3 topics)
- Workshop 2 – Saturday 1 February 2020 from 10am to 3pm (3 topics)

Who should attend?
The Diploma in Art, Entertainment and Media Law is primarily aimed at lawyers working in the area. However, it also appeals to the following:
- Lawyers currently working in-house in the area of arts, entertainment and media,
- Lawyers who are interested in offering a new service to clients,
- Professionals working in the arts and media and in the entertainment and publishing industries,
- Professionals in the arts, entertainment, media, and publishing who are considering using Ireland as a base,
- Individuals who have an interest in the law affecting arts, entertainment, and media.

We welcome applications from others who are suitably qualified. Please explain your interest and set out any relevant experience in a cover letter and a brief CV. Such applications are subject to a supplemental fee of €200.

Faculty
Lecturers and tutors are drawn from lawyers, practitioners, and others with domain expertise in the field of arts, entertainment, and media law and related fields.

Lecturers will be announced shortly. Some of our lectures who contributed to our MOOC ‘Arts, Entertainment and Media Law – issues that take centre stage’ will again participate.