



University of the  
West of England

### MODULE SPECIFICATION

**Code:** UJUTNG-30-3      **Title:** Media and Entertainment Law      **Version:** 3  
**Level:** 3      **UWE credit rating:** 30      **ECTS credit rating:** 15

**Module type:** Standard

**Owning Faculty:** FBL      **Field:** Law Undergraduate

**Faculty Committee approval:** QSC      **Date:**

**Valid from:** September 2008      **Discontinued from:**  
(Revised September 2010)

**Contributes towards:** LLB (Hons) Law, LLB (Hons) Commercial Law,

**Pre-requisites:** Method, Procedure & System UJUTA33-30-1; Law of Contract UJUTN3-30-1;  
Public International Law UJUTGA-30-3

**Co-requisites:** None

**Excluded combinations:** None

**Learning outcomes:**

#### AIMS:

1. To provide an understanding of the concepts of ownership, use and infringement of copyright and the analogous intellectual property rights, including performers rights, moral rights and rights in personality, central to the Entertainment business.
2. To provide an understanding of the contractual concepts underpinning relationships in the Entertainment industry, particularly recording agreements, publishing agreements and management agreements
3. To develop a student's ability to interpret and use a variety of legal sources applicable to Entertainment Law.
4. To develop an understanding of the legal and non-legal principles affecting Entertainment Law and ability to apply these principles to factual situations in the Entertainment Industry.  
  
To provide an understanding of the laws affecting Media, including laws of Defamation, Obscenity, Privacy, Contempt, Advertising, Media ownership, concepts of self-regulation as it affects the Media industry
5. To ensure that students appreciate and can evaluate and critically analyse the socio-economic and business context in which these principles were and are being developed, as well as the role and influence of European Union Law and where appropriate American Law.
6. To ensure that students are able to demonstrate a logical and practical approach to the analysis of legal issues
7. To develop a student's ability to initiate and carry through study and research both individually and/or as part of a group, as required.

## **LEARNING OUTCOMES:**

We seek to develop, enhance and produce the following student competencies:

### **Knowledge and understanding**

1. Identify, describe and evaluate the relevant principles applicable to Media, Copyright and Entertainment Law and regulation.
2. Understand the legal concepts, principles and values relevant to Media, Copyright and Entertainment Law and regulation
3. Demonstrate sound knowledge of the law to the Media and Entertainment Industry, including an understanding of how law fits together and operates

### **Intellectual skills**

1. Apply the existing body of law, whether case-based or statutory, to new factual situations, drawing upon techniques acquired through the study of Legal Method.
2. Display powers of analysis, evaluation and structured reasoning
3. Think and reflect critically and examine problems and issues from a number of legal and practical perspectives
4. Synthesize data and locate information from a variety of sources
5. Make well reasoned judgement based on the above
6. Identify and use primary legal sources and journals relevant to Media and Entertainment Law, identify contemporary debates and engage with these while accurately reporting the law

### **Practical /transferable skills**

1. Derived from relevant statutes; library based research and electronic services as source material, present structured written arguments.
2. Demonstrating a sound knowledge and understanding of the law relating to the Entertainment Industry
3. Present discuss and defend ideas views and concepts effectively through the written and spoken medium
4. Extract process and present information for given purposes
5. Use IT competently as practical need may direct
6. Work and contribute co-operatively to group discussions and presentations
7. Show a willingness to share responsibility with others
8. Work and act independently in planning and executing tasks

### **Non assessed learning outcomes:**

1. Recognize the most effective methods of communication as appropriate to a given situation
2. Identify personal strengths and weaknesses in your own work and in working with others
3. Be self reflective in your actions and attitudes
4. Give and receive feedback in order to promote self improvement

### **Syllabus outline:**

#### **COPYRIGHT**

Introduction: The nature, function and use of copyright protection.

Subsistence: Different types of "work", the requirement of originality, periods of protection, moral rights and rights in performances, the impact of harmonisation within the EU and its effect on UK law.

Ownership: Ownership, assignment and licensing, the role of the collecting societies.

Infringement: The concept of infringement, copying and derivation, primary and secondary infringement, remedies and defences.

#### **MANAGEMENT, PUBLISHING, RECORDING CONTRACTS**

Introduction: The nature and function of such agreements

Duration of agreements

Royalties, Advances and Accounting; Taxation

Obligations of both parties

Termination of contracts

#### **MEDIA LAW**

Law of defamation, obscenity, blasphemy and other matters of speech  
Privacy, confidence and the balance of the competing rights of privacy and freedom of expression  
Contempt of Court and Journalists sources  
Self-regulation including Press, Media and Advertising  
Ownership of Media  
Law relating to Advertising

### **FURTHER ISSUES**

Manufacturing and distribution agreements  
Sampling, copying and plagiarism  
Brand Names and exploitation  
Touring and sponsorship

### **Teaching and learning methods:**

The emphasis throughout will be on providing the student the opportunity and facilities to question, understand, analyse and evaluate the law in its historical, practical, academic and social context. The learning context is student-centred and utilizes a variety of techniques to encourage independent thought and constructive criticism. Dialogue is promoted between student and lecturer in an interactive relationship which emphasizes the two-way flow of information and criticism.

Subject to the requirements of the Professional Bodies, it is not necessarily envisaged that every topic in the syllabus will be covered in any one academic year. Areas which have topical significance could, therefore, be developed at greater length and less important areas delineated in outline only.

Students will be expected to conduct research with both traditional and electronic sources and will be instructed how to do this both during the Programme as a whole and, where necessary, within the module.

### **Contact hours:**

Lectures: 2 hours per week.  
Seminars: 2 hour workshop per fortnight.

### **Student preparation:**

Lectures: In most cases there is no expectation of preliminary work. However, students may be given directed preliminary reading from recommended texts. Occasionally material may be also given out in advance so as to provide the basis for practical exercises or for more detailed discussion of topics to be conducted within the lecture. This will apply more to Level 3 options' modules where group sizes allow for a more interactive approach to lectures.

Guest speakers will be utilised where appropriate.

Seminars: The Programme estimates a preparation time of 10 hours per seminar. At Level 1 much of this time will be taken up with acquiring experience of research and with gaining a familiarisation with legal method. At Level 3, more qualitative research and preparation is expected.

Seminar preparation tasks include working individually, in pairs or in small groups.

Students will be given seminar sheets in advance of their seminars which will be centred on the analysis of cases, statutes, European and Human Rights' material as appropriate. The material will usually be problem or discussion title-based. Supplementary material (usually of a problem-solving nature) may be provided in the seminar.

Directed reading will be suggested along with internet sources and video material as appropriate. At Level 1 students will be given more direction in terms of sources and specific questions to address.

Students are expected to make full use of their independent learning time to reflect critically upon the subject and to develop their own ideas.

### **Operation and purpose:**

Lectures: On most topics covered, outline learning materials will be supplied to students during or in advance of the lectures. Lectures are generally designed to:

(a) communicate the principal features of a topic, including its major principles, rules, concepts,

relationships and values;

(b) to stimulate interest in the topic and provide alternative views; and

(c) to provide other information necessary to facilitate its further study, including updating.

**Seminars:** Seminars will involve problem-solving and the analysis and synthesis of conceptual and contextual issues, through plenary discussion and presentations by individual students or groups of students. Students are expected to fully participate in seminar discussions, which will cover the controversial and difficult areas of the subject.

We see the function of seminars to be:

(a) to monitor the acquisition by students of the knowledge, understanding and skills mentioned under the Learning Outcomes; and

(b) to facilitate and enhance the acquisition of that knowledge, understanding and skills and to foster deeper learning.

(c) to allow students to evaluate, analyse and synthesise legal materials in an interactive environment and to facilitate their appreciation of the levels of variation of opinion which may be generated in legal discussion.

**Other learning activities:**

Students will be expected to pursue independent and directed study between class contact sessions.

Students will be encouraged to engage in extra-curricula activities such as debating and mootng.

**Indicative sources:**

Bainbridge D. *Intellectual Property* (Pitman)

Cornish W.R.. *Intellectual Property* (Sweet & Maxwell)

Harrison A. *Music: The Business* (Virgin)

Passman D.S. *All You Need To Know About The Music Business* (Penguin)

Krasilovsky M.W. and Shemel S. *This Business Of Music* (Billboard)

Carey P and Verow R *Media and Entertainment: The Law And Business* (Jordans)

Entertainment Law Review (Sweet & Maxwell)

Entertainment & Media Law Reports (Sweet & Maxwell)

From time to time students will be directed to articles , journals and internet sites as are deemed appropriate for various topics.

**Assessment**

**Weighting between components A and B (standard modules only) A: 75% B: 25%**

**ATTEMPT 1**

**First Assessment Opportunity**

**Component A**

Description of each element	Element weighting
1 3 Hour Exam - <u>FINAL</u>	100%

**Component B**

Description of each element	Element weighting
1 Essay (2000 words)	100%
2 Essay (2000 words)	
<b>The better mark of element 1 or 2 will count</b>	

**Second Assessment Opportunity (further attendance at taught classes is not required)**

**Component A**

Description of each element	Element weighting
1 3 Hour Exam	100%

**Component B**

Description of each element	Element weighting
1 Essay (2000 words)	100%

**SECOND (OR SUBSEQUENT) ATTEMPT: Attendance at taught classes is required.**

Specification confirmed by .....Date .....  
(Associate Dean/Programme Director)