USC GOULD SCHOOL OF LAW – BEVERLY HILLS BAR ASSOCIATION

2019 INSTITUTE ON
ENTERTAINMENT LAW AND BUSINESS

KEYNOTE SPEAKER
JOHN LANDGRAF
CHAIRMAN, FX NETWORKS AND FX PRODUCTIONS

IMPLOSION/EXPLOSION:
SHOCKWAVES OF CHANGE IN ENTERTAINMENT

FEE INCLUDES CONTINUING EDUCATION CREDIT FOR ATTORNEYS (MCLE) AND ACCOUNTANTS (CPE), MEALS, BREAKS, PARKING AND ELECTRONIC SYLLABUS

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For over 60 years, the USC Gould-BHBA Institute on Entertainment Law and Business has been the premiere conference in the nation for entertainment professionals. Join the Industry’s most powerful players for an in-depth examination of the hottest entertainment law issues, latest deals and up-to-the-minute business perspectives.

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8:45 – 9:00 AM
Welcome and Opening Remarks
USC Bovard Auditorium

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9:00 – 9:45 AM
The Industry: Trends, Fads and Transformation
Returning again this year is our digital and entertainment futurist, Jeff Cole, sharing highlights from his ongoing study of how the Internet impacts content and society. Using data from the study, he provides eye-opening facts on consumers’ use of media, including the scope of user-generated and professionally-produced content and its effect on traditional media content.

Jeffrey Cole, Ph.D.
Director, Center for the Digital Future
Research Professor
USC Annenberg School for Communication and Journalism

9:45 – 10:45 AM
Media M&A Landscape: The Rise of the Trillion Dollar Companies and the View Ahead
Following a multi-year streak of some of the most significant and Industry-shaping acquisitions/mergers in recent history, leading practitioners and experts will discuss the drivers for media M&A, the most significant issues faced in connection with media corporate deal-making, and the impact rampant consolidation is having on the industry - from content creation and distribution to competition, licensing models and employment. The expert panel will discuss their views on the impact of recent deals, the integration issues stemming from recent consolidation, and the impact the rise of the mega-company is having on historical media consumption models.

Arthur J. Burke
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Ziffren Brittenham LLP

Ian Spaulding
Managing Director, Investment Banking
Goldman Sachs

MODERATOR
Ari Lanin
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10:45 – 11:00 AM
Networking Break
Sponsored by Signature Resolution

11:00 AM
Morning Program Resumes
USC Bovard Auditorium

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11:05 AM – 12:05 PM
Legal Jeopardies that Cause Nightmares for Lawyers
Leading experts will offer tips to help attorneys in the entertainment industry avoid legal jeopardies that can arise in the context of in-house, transactional, and litigation practices. For example: What must an attorney do to protect himself or herself from malpractice, State Bar action, or otherwise being a defendant? When does an attorney’s demand letter cross the line into extortion? Can an attorney be liable for defamation based solely on the contents of a letter? What are common conflicts of interest in the entertainment industry, including those affecting in-house attorneys? What are the special considerations that apply to representing minors? What are some of the hazards that can arise from the traditional 5% fee agreements or other contingent arrangements? Who is or should be responsible for procuring tolling agreements for clients with profit participation interests in entertainment properties, and what are the consequences of not doing so? What issues require that a client be advised in writing?
1 HOUR OF MCLE LEGAL ETHICS CREDIT AVAILABLE

12:05 – 1:05 PM
The Musical Artist and the Representation Team
Recording artist, producer and composer, Trent Reznor, and his team of core professionals will explore the challenges and continuing evolution of their roles within a changing music business, including the merging of music with other media, as well as where it looks to be headed. The panel will discuss the typical demands and expectations made by musical artists of each team member separately and collectively (including when the lawyer needs to drive certain discussions and when the lawyer needs to get out of the way) and the team’s role in maximizing the musical artist’s business opportunities, while at the same time considering the risks to reputation and integrity that can arise in touring, motion picture and television scoring, music licensing for advertising purposes and related activities. The discussion will also touch on issues relating to the enforcement of rights while remaining mindful of a musical artist’s reputation.

1:05 – 1:15 PM
Morning Program Adjournment
Passing Period to USC Ronald Tutor Campus Center Ballroom
JOHN LANDGRAF, Chairman of FX Networks and FX Productions, oversees all aspects of entertainment and business operations for FX Networks, including FX, FXM, FXX, FX Productions (FXP), the digital video-on-demand platform FXNOW, and the commercial-free service FX+

Mr. Landgraf joined FX as President of Entertainment in January 2004 and was elevated to President and General Manager of FX Networks in May 2005. He was named CEO in June 2013 and Chairman in March 2019. Since joining FX Networks, he has increased the amount of its original programming six-fold, largely through the creation of FX Productions (FXP). His legacy of acclaimed and award-winning programs began with Rescue Me and continued with Damages, Sons of Anarchy, Justified, The League and The Americans. In 2018, FX Networks received 50 Emmy® Award nominations and won 12 Emmy Awards, the most of any basic cable network.

Before joining FX, Mr. Landgraf was President of Jersey Television, a company he co-founded in 1999 along with former Jersey Films partners Danny DeVito, Michael Shamberg and Stacey Sher. From 1994-1999, he was Vice President of Primetime Series at NBC, helping to develop or oversee shows including The West Wing, Profiler,Suddenly Susan, ER and Friends. He began his television career at Sarabande Productions as Director of Development in 1988, rising to the level of Senior Vice President.

Mr. Landgraf has been named Chair Appointee to the Executive Committee of the Academy of Television Arts and Sciences Board of Governors. In May 2012, he received the Vanguard Award for Programming from the NCTA. He was also named Adweek’s TV Executive of the Year in both 2013 and 2016, and The Hollywood Reporter’s TV Executive of the Year in 2017.
Addressing the Challenge of Unlicensed Uses

With the continued proliferation of unauthorized uses of copyrights, trademarked brand names and other protected rights and corresponding losses in sales and licensing revenues – owners and investors are applying technology and assertive approaches to bring infringers into compliance and to stem losses. Topics will include identification of potentially infringing activity, strategic considerations, compliance-seeking and transactional resolutions, redress approaches including claims and defenses, and possible complications from (e.g., non-geoblocked) programming containing uncleared elements extending into foreign markets where domestic remedies may not apply.

Blurred Lines: An Attempt to Make Sense of Fair Use Law

There are few areas of entertainment law less clear than the application of the fair use defense. While the statutory law is intended as a limitation on copyright which attempts to balance the interest of copyright holders and the public interest in the creation of derivative works and wider distribution of those works, the Copyright statute fair use test is purposely vague, and case law in the area often give rise to conflicting and tortured results. This panel will examine: (1) the four-factor test built into the federal code, (2) the application of the law in the context of parody, criticism, and news reporting, including attempting to answer such unanswerable questions as how much copying can be done before one loses the defense, and (3) the inherent dangers of relying on an affirmative defense, long before any specific claim, when producing audiovisual works and music. The panel will also offer useful practice tips to guide attorneys through the minefield of pre-publication review of the works which depend on a fair use defense.

Co-Financing and Marketing Films for Maximum US/China Box Office

The last decade has seen an increase in films which combine Chinese and Western elements, such as underlying rights, screenwriters, directors, actors and producers, which are designed to optimize returns in the burgeoning Chinese theatrical market as well as in traditional Western theatres such as in the U.S. There are also unique and tricky issues in both the financing structures and dual-headed marketing plans for these complicated films. Our distinguished panel will give a broad view of the financing landscape, as well as specific issues, including division of distribution rights, creative approvals, avoiding Chinese censorship, and qualifying for theatrical distribution in China, including the use of Chinese/Western co-production models. The panel will conclude by looking forward at this growing market.
Deal Making in the Pits of the Streaming War

This panel will explore the latest in deal making trends, pitfalls and challenges with the rise of new internet network TV giants. What are the new norms and where do the old guards stand? How are the traditional linear TV distributors fighting this streaming war? With the backend buyout model (with no chance for homerun hits like Friends) are show creators leaving money on the table? What does this mean for talent, their representatives, studios, production companies, syndicated shows, advertisers, and the rest of the industry? The panelists will tackle TV deal making now, during peak TV, considering all the cost-plus models (with no backend) and all the mega-mergers (with conglomerates striving to achieve a trillion dollar market cap).

Ethics Update: Fundamental Rule Changes Affecting Entertainment Lawyers

In November 2018, amended rules of professional conduct adopted by the California Supreme Court went into effect. The amended rules contain substantive changes to existing rules, as well as the adoption of several new rules. This panel will highlight changes to the rules that are likely to impact the everyday practices of entertainment lawyers. Rules considered will include topics such as conflicts of interest, imputation, fee sharing, safekeeping of funds, managerial responsibilities, discrimination and other important issues of professional responsibility.

Talent Agencies Act and How It Impacts Attorneys

Like lawyers, talent agencies must be licensed under California law, and under the Talent Agencies Act only licensed agencies are allowed to procure employment for talent (which has been held in two matters—the standing of which decisions is challenged by some). Yet in times like these, “procuring” employment has fallen to a variety of representatives. When do lawyers’ activities cross the line into services which are licensed to talent agencies to exclusively perform? When a lawyer “procures employment” as defined by the Labor Commissioner, is that a violation of the California Rules of Professional Conduct? Does the Talent Agencies Act prohibit lawyers from engaging in negotiations and drafting of talent agreements without the auspices of an agent, activities which are allowable to lawyers in any other field? What jeopardy might befall an attorney whose actions enter into the domain of the Talent Agencies Act? Our experts will navigate these murky areas and examine recent Labor Commissioner cases involving talent lawyers.

Ethics Update: Fundamental Rule Changes Affecting Entertainment Lawyers

1 HOUR OF MCLE LEGAL ETHICS CREDIT AVAILABLE

Talent Agencies Act and How It Impacts Attorneys

1 HOUR OF MCLE LEGAL ETHICS CREDIT AVAILABLE

3:45 – 4:00 PM
Networking Dessert Break
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4:00 – 5:00 PM
Afternoon Panels – Second Session
The concurrent sessions held at 2:45 PM repeat at 4:00 PM. Attend a second session of your choice!

5:00 PM
Adjournment
planning committee

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REGISTRATION
The registration fees are outlined on the inside back cover of this brochure and include all sessions, the luncheon and refreshment breaks, parking, the Institute app (an online guide to the Institute) and an electronic download of the Institute syllabus. Early registration is encouraged as space is limited and the Institute typically sells out.

CANCELLATIONS
All registrations and purchases are final and non-refundable.

LOCATION, PARKING AND HOTEL ACCOMMODATIONS
The Institute will be held at the beautiful University of Southern California University Park Campus. Learn more about USC at http://www.usc.edu. Your registration fee includes parking at the USC Figueroa Street Parking Structure. Detailed parking instructions will be emailed to you upon registration. For information about nearby hotel accommodations, please visit our website at http://gould.usc.edu/cle/entertainment or contact Wendy Wiley Willett at (213) 821-3579.

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registration form

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Saturday, October 26, 2019 | USC University Park Campus

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Office hours are 9:00 a.m. to 5:00 p.m. Pacific time
2019 INSTITUTE ON ENTERTAINMENT LAW AND BUSINESS

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Don't Miss Luncheon Keynote FX Networks' Chairman John Landgraf!

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