

Law and the Arts

January 2014

ARAD 4321
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Rationale for Course:

This course is offered to provide students with an opportunity to learn about and explore legal issues pertaining to the creation, use, trade in, and preservation of works of visual and performing arts. The arts exist within the larger realm of goods and services moving through the marketplace, yet the law reflects some unique aspects of rights and obligations when individuals, entities, and governments seek to interact with artistic and cultural creations. Students taking this course will be exposed to important historical and contemporary issues that impact on the ownership, stewardship, and use of works of artistic and cultural importance.

Course Objectives and Overview:

The overall goal of the course is to explore legal and ethical issues related to works of artistic and cultural expression at the local, national, and international levels. Specifically, the goals of the course are for students to develop a general understanding of rights and obligations related to:

- The creation of works of visual and performing arts
- The ownership, use, and commercial exploitation of works
- Business practices in the arts and entertainment industries
- Contractual relationships in the arts
- The role of unions and guilds in the performing arts and entertainment industries
- Governmental interaction in the arts
- The legal and illicit markets for artistic and cultural objects
- The ownership and protection of works of arts and culture

Expected Learning Outcomes:

By the end of the course, students will be expected to have achieved familiarity with key aspects of:

- Artists' rights in their creations
- Use and licensing of works created by others
- The business of trading in artistic and cultural objects
- Governmental regulation of expression in the United States
- Contractual relationships in the various arts and entertainment industries
- Union and guild impacts on the arts
- Federal and international laws governing the movement and control of works
- Ethical and cultural issues influencing developments in the law

Course Evaluation

Participation and Preparation	30%
Position Paper	30%
Final Exam	40%

Grades

A	93 or above	B+	87-89.99	C+	77-79.99	D+	67-69.99	F	Below 60
A-	90-92.99	B	83-86.99	C	73-76.99	D	63-66.99		
		B-	80-82.99	C-	70-72.99	D-	60-62.99		

Attendance

Attendance is required. If you are unable to attend class, please contact me as soon as possible. Unexcused absences will affect the Participation/Preparation grade.

Participation

You will be graded on the basis of your preparation, involvement, and contribution to class discussions. Readings will be handed out in class, posted on Blackboard, or placed on reserve in the library. All applicable readings must be completed before class.

Position Paper

There will be one position paper due during the course. Detailed requirements will be posted on Blackboard by the first day of class and discussed on the first day. The goal of the paper is to provide you with an opportunity to speak as an advocate in a virtual dispute involving a topic related to course readings.

Final Exam

The final exam will be comprehensive, based on course readings and class discussions. It will consist of questions requiring fairly brief (i.e., one paragraph) responses. In addition, there will be one essay question requiring more lengthy analysis and discussion.

In all of your written work and in-class participation, you will be expected to employ critical thinking based on what you have learned in class and to use your own ability to reason and develop effective potential solutions/responses.

CLASS SCHEDULE

DATE	TOPIC	READINGS
Jan 6	The Role of Law in the Arts; Laws vs. Business vs. Ethics	Articles (to be posted on Blackboard)
Jan 7	Creating Art	Copyright Act provisions Copyright Office circulars Cases: <ul style="list-style-type: none"> • Bridgeman v. Corel • Rogers v. Koons • Bright Tunes v. Harrisongs • Kernal Records v. Mosley
Jan 8	Using Art * Contract Basics * Reproducing works * Adapting works * Representing Arts and Artists	Consignment agreement Copyright license agreement Contract examples: visual and performing arts Cases: <ul style="list-style-type: none"> * Campbell v. Acuff-Rose * In Re Estate of Rothko * Gilliam v. ABC * Buchwald v. Paramount Pictures
Jan 9	Collective Management of Artists and their works	American Federation of Musicians Screen Actors Guild Writers Guild Actors Equity Performing Rights Societies
Jan 10	Position Paper Due Field Trip	
Jan 13	Performing Arts Issues: Music, Dance, Theater, Opera, Film	San Francisco Ballet Dancer Contract Option to Produce a Play Non-Equity Actor's Contract Director Agreement Partnership Agreement Management Agreement Venue Usage Agreement Talent Agent regulations

Jan 14	Visual Arts Issues: Artists, Dealers, Collectors, Museums	Consignment agreement Auction Terms and Conditions Public Commission agreement Private Commission agreement
Jan 15	FINAL EXAM	

SMU Course Policies

Academic Honesty and Misconduct: You are bound by the Honor Code and the SMU Student Code of Conduct. For complete details, see: http://www.smu.edu/studentlife/PCL_01_ToC.asp. This includes all areas of dishonesty including plagiarism, cheating on tests, use of the work of others (published or unpublished), and the observance and knowledge that others are cheating.

Disability Accommodations: Students needing academic accommodations for a disability must first be registered with Disability Accommodations & Success Strategies (DASS) to verify the disability and to establish eligibility for accommodations. Students may call 214-768-1470 or visit <http://www.smu.edu/alec/dass.asp> to begin the process. Once registered, students should then schedule an appointment with the professor to make appropriate arrangements. (See University Policy No. 2.4; an attachment describes the DASS procedures and relocated office.)

Religious Observance: Religiously observant students wishing to be absent on holidays that require missing class should notify their professors in writing at the beginning of the semester, and should discuss with them, in advance, acceptable ways of making up any work missed because of the absence. (See University Policy No. 1.9.)

Excused Absences for University Extracurricular Activities: Students participating in an officially sanctioned, scheduled University extracurricular activity should be given the opportunity to make up class assignments or other graded assignments missed as a result of their participation. It is the responsibility of the student to make arrangements with the instructor prior to any missed scheduled examination or other missed assignment for making up the work. (University Undergraduate Catalogue)