

AMERICAN
CASEBOOK
SERIES

ENTERTAINMENT,
MEDIA, AND THE LAW
TEXT, CASES, AND PROBLEMS

Fifth Edition



Paul C. Weiler

Gary Myers

William W. Berry III

ENTERTAINMENT, MEDIA, AND THE LAW TEXT, CASES, AND PROBLEMS

Fifth Edition



Paul C. Weiler

*Henry J. Friendly Professor of Law, Emeritus
Harvard Law School*

Gary Myers

*Dean and Earl F. Nelson Professor of Law
University of Missouri*

William W. Berry III

*Associate Professor of Law and Jessie D. Puckett Lecturer
University of Mississippi*

AMERICAN CASEBOOK SERIES®

 **WEST
ACADEMIC
PUBLISHING**

The publisher is not engaged in rendering legal or other professional advice, and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

American Casebook Series is a trademark registered in the U.S. Patent and Trademark Office.

© West, a Thomson business, 1997, 2002, 2006

© 2011 Thomson Reuters

© 2016 LEG, Inc. d/b/a West Academic

444 Cedar Street, Suite 700

St. Paul, MN 55101

1-877-888-1330

West, West Academic Publishing, and West Academic are trademarks of West Publishing Corporation, used under license.

Printed in the United States of America

ISBN: 978-1-63459-883-5

*To the Weiler, Darwin and Guerard families,
and my fellow entertainment fans*
—PW

*For Professor David Lange, who first introduced me to
entertainment law over 30 years ago.*
—GM

For Stephanie, Eleanor, William, and Caroline
—WB

PREFACE

Since the first edition of *Entertainment, Media, and the Law* appeared almost twenty years ago, the entertainment industry has generated increasingly challenging moral, economic, and legal issues. Various shooting incidents from Columbine to Virginia Tech to Charleston focused popular and political as well as judicial attention on the role that violent entertainment may play in inspiring real events. The fact that we now use personal computers and the Internet for fun, not simply for work, contributed to the decline in record sales, beginning in 2001 because of free access to music, initially on Napster and then to various legal and illegal downloading and streaming sources. And no industry was subject to more dramatic corporate conglomeration, on an international as well as a national basis, than the entertainment business, epitomized by the unfortunate merger of AOL with Time Warner.

An important feature of the entertainment field (like the field of sports law) is that it is an industry, not an intrinsic body of law. Nonetheless, every part of this industry—from novels to movies to music to broadcasting to video games—regularly draws on and is shaped by legal subjects ranging from constitutional law to copyright, contract, corporate, and communications law. To prepare for such a professional career, then, one has to learn about the evolution and current shape of the various branches of the industry, the distinctive features of the law when applied to any of them, and the major legal policy issues that regularly confront courts, legislatures, and even international tribunals dealing with the entertainment world.

Entertainment, Media, and the Law is a blend, then, of industry developments and legal responses. It is valuable for students to take this course, as opposed to simply studying the basic subjects that come into play, given the interplay of the legal issues being presented by the same industries. Grappling with the issues posed by the lawsuit filed by the family of a murdered Columbine teacher against the manufacturer of the video game *Doom*, or with the accomplishments of Hollywood union leader Ronald Reagan in generating more equitable distribution of movie revenues among bit players, brings tort and labor law alive. Even more important, though, is the enlightenment that comes from having to place that video game tort suit in the context of the First Amendment rights of the owners of *Doom*, or the effort by Courtney Love to use common law unconscionability doctrine rather than collective labor action to try to make music contracts fairer for her.

The authors of this book wish to thank those who have provided invaluable assistance in producing this and prior editions. Paul Weiler gives thanks to his students, his research assistants (particularly Jol Silversmith, Matt Colman, Ryan Gauthier), and his administrative assistants (particularly Susan Smith and Sheila Vargas).

Gary Myers thanks his research assistants, particularly Taylor Leonard and Micah Uptegrove, as well as Bridget Myers for her comments on the manuscript.

Will Berry thanks his family for all of their support during a summer in Cambridge, England in which much of this edition was updated.

PAUL WEILER, CAMBRIDGE, MA

GARY MYERS, COLUMBIA, MO

WILL BERRY, OXFORD, MS

SUMMARY OF CONTENTS

PREFACE	V
TABLE OF CASES	XIX
Prologue. Speech for Fun and Profit.....	1

PART 1. LEGAL RESTRAINTS ON ENTERTAINMENT STORIES

Chapter 1. Sex and Violence in Entertainment and the Law	11
A. Entertainment and the First Amendment	12
B. Entertaining Sex	32
C. Entertaining Violence	82
D. Self Regulation by the Entertainment Industry	132
Chapter 2. Entertaining the Public with Individual Lives	149
A. Defamation	150
B. Infliction of Emotional Distress	166
C. Privacy: Intrusion on Solitude.....	171
D. Public Disclosure of Embarrassing Private Facts.....	192
E. False Light Portrayals	203
F. Public Figures Under Defamation and Privacy Law	211
Chapter 3. Celebrity Publicity Rights	231
A. Evolution and Nature of Publicity Rights	231
B. Publicity Rights and Entertainment Shows.....	246
C. Criminal Celebrities.....	269
D. Celebrity Publicity as a Marketing Vehicle.....	291
E. Who Owns Publicity and Its Value	319

PART 2. INTELLECTUAL PROPERTY IN ENTERTAINMENT ASSETS

Chapter 4. Elements of Copyright Protection.....	363
A. Copyrightable Works.....	368
B. Infringement.....	385
C. Unprotectable Story Parts	438
D. Fair and Unfair Uses of Entertainment Works	451
Chapter 5. Entertainment Innovations and Intellectual Property	477
A. Fair Use and Home Video.....	478
B. Fair Use on the Internet	509
C. Performance Rights in Songs	558

D. Digital Sampling and Imaging	566
E. Copyright Ownership	575
F. Copyright Licensing	588
G. Enforcing Copyright	604

Chapter 6. Alternative Sources of Entertainment Property

Rights	617
A. Artistic Credit	617
B. Moral Rights and Creator Control	631
C. Trademark Instead of Copyright	656
D. Contract Rights in Story Ideas	704

PART 3. CONTRACTUAL RELATIONS IN THE ENTERTAINMENT INDUSTRY

Chapter 7. Contract Formation and Duration 733

A. Contract Formality: The Movie World	734
B. Definiteness	758
C. Consideration and Mutuality	763
D. Contract Parties: Minors	784
E. Duration	791
F. Bankruptcy	805

Chapter 8. Entertainment Contract Obligations 815

A. Performer/Author Obligations	817
B. Studio-Publisher Obligations	838
C. Royalties and Profits	859

Chapter 9. Entertainment Contract Remedies and Liabilities 887

A. Injunctive Enforcement of Personal Service Contracts	887
B. Damages for Contract Breach	908

Chapter 10. Entertainer Representation and Regulation 939

A. State Regulation of Entertainer Representatives	946
B. Conflict of Interest in Entertainer Representation	969
C. Union Regulation of Entertainer Representation	993

PART 4. INDUSTRY ORGANIZATION, ECONOMIC POWER, AND LEGAL REGULATION IN THE ENTERTAINMENT WORLD

Chapter 11. Performer Organization 1007

A. The Entertainer Labor Market	1008
B. Labor Law in the Entertainment World	1014
C. Labor Solidarity and Entertainment Hyphenates	1025
D. Judicial Control of Entertainment Labor Power	1030
E. Contingent Workers: Employees or Contractors	1050
F. Performing Rights Societies	1064

G. Antitrust Challenges to Performing Rights Societies.....	1068
Chapter 12. Entertainment Conglomerates Under Corporate and Antitrust Law	1101
A. Paramount and Corporate Takeover Law	1104
B. Antitrust Law Reshapes the Movie Business.....	1114
C. Post-Paramount Motion Picture Practices	1136
D. Movie Industry Integration Revisited.....	1181
Chapter 13. Entertainment in a New Telecommunications World.....	1205
A. Financial Interest and Syndication Rules	1210
B. Broadcast Speech, Cable Distribution, and “Must Carry”	1227
C. Pursuing Diversity in the Broadcast Industry	1253
D. A New Spectrum for This New Millennium	1273
Epilogue. Entertainment in International Trade.....	1333
INDEX.....	1347

TABLE OF CASES

The principal cases are in bold type.

A & M Produce Co. v. FMC Corporation	862
A & M Records, et al. v. Napster	514, 515
A & M Records, Inc. v. Abdallah....	534
A.L.A. Schechter Poultry Corp. v. United States	1010
ABC, Inc. v. Wolf	809, 888
Abdul-Jabbar v. General Motors Corp.	307
ABKCO Music, Inc. v. Harrisongs Music, Ltd.	388, 391, 607, 980 , 984
ABKCO Music, Inc. v. Stellar Records, Inc.	783
Abrams v. United States	20
Academy Chicago Publishers v. Cheever	762
Acker v. King	441
Action for Children's Television v. FCC.....	68, 69, 70
Acuff-Rose Music, Inc. v. Campbell	458
Adarand Constructors, Inc. v. Pena	1269
Aday v. Sony Music Ent.	877
Adickes v. S.H. Kress & Co.	1225
Agnew v. NCAA	338, 340
Aimster Copyright Litigation, In re.....	529, 536, 540
Alden-Rochelle, Inc. v. ASCAP ...	1072, 1077
Alexander v. Haley	438
Ali v. Playgirl, Inc.	269, 293
Allen Bradley Co. v. Electrical Workers	998, 1038
Allen v. Men's World Outlet.....	307
Allen v. National Video	307
Allen v. Walt Disney Productions, Ltd.	569
Allendale Leasing, Inc. v. Stone....	113
Allied Artists Picture Corp. v. Rhodes	1180
Allison v. Vintage Sports Plaques	320
Aluminum Co. of America, United States v.	1133, 1184
Amaducci v. Metropolitan Opera Association	909, 918
Amendment of Section 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry), In re	1278, 1295
Amendment of Sections 64.702 of the Commission's Rules and Regulations (Third Computer Inquiry), In re	1285, 1286
American Amusement Mach. Ass'n v. Kendrick	94, 96, 109, 128
American Booksellers Ass'n v. Hudnut.....	27, 29, 30
American Broadcasting Co. v. Aereo	426
American Broadcasting Co. v. Writers Guild of America, West, Inc.	1026
American Cyanamid Co., United States v.	1199
American Federation of Musicians (Seattle Symphony Orchestra)	1049
American Federation of Musicians v. Carroll	999, 1039
American Federation of Musicians, United States v.	1038, 1040, 1047
American Freedom Def. Initiative v. Mass. Bay Transp. Auth.	681
American Library Ass'n v. FCC	1298
American Medical Ass'n v. United States	1062
American Motor Inns, Inc. v. Holiday Inns, Inc.	351
American Needle v. NFL	691, 1141
Anderson News, L.L.C. v. Am. Media, Inc.	1168
Anderson v. Neal Institutes Co.	897
Anderson v. Paramount Pictures	723
Anderson v. Stallone	449
Andrews, Estate of v. United States	329
Anonsen v. Donahue	202
Apex Oil Co. v. DiMauro.....	1169
Apple, Inc., United States v.	1155, 1156
Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities, In re	1296, 1297, 1298
Appropriate Regulatory Treatment for Broadband Access to the	

Internet Over Wireless Networks, In re	1298, 1320	Barnes v. Glen Theatre, Inc.	40, 1236
Arista Records, LLC v. Doe 3	555	Barr v. Dramatists Guild, Inc.	1062
Arista Records, LLC v. Greubel	553	Bartnicki v. Vopper	190, 191
Arkansas Writers' Project, Inc. v. Ragland	275, 1236	Bartsch v. Metro-Goldwyn Mayer, Inc.	596, 641
Arlington, City of v. FCC	1303	Basle Theatres, Inc. v. Warner Bros. Pictures Distributing Corp.	1173
Armand's Subway, Inc. v. Doctor's Assocs.	677	Bassett v. NCAA	341, 342
Arnold Productions, Inc. v. Favorite Films Corp.	858	Bates v. State Bar of Arizona	58
Arnstein v. BMI	569	Batfilm Productions v. Warner Bros.	871
Arrow Productions, Ltd. v. Weinstein Co., LLC	474	Baugh v. CBS	184
ASCAP v. MobiTV, Incorporation	1095, 1098	Baumgartner v. United States	166
ASCAP v. Showtime/The Movie Channel, Inc.	1091, 1098	Beal v. Paramount Pictures	412
ASCAP, United States v.	433, 553, 1089, 1091, 1093	Beastie Boys v. Monster Energy	772
Ashcroft v. American Civil Liberties Union	124	Beauharnais v. Illinois	21, 30
Ashcroft v. Free Speech Coalition	42, 81	Belcher v. Tarbox	385
Associated Artists Entertainment v. Walt Disney Pictures	395	Bell Atl. Corp. v. Twombly	1169, 1173
Associated Film Distribution Corp. v. Thornburgh	1180	Bell v. Foster	245
Associated Gas Distributors v. FERC	1319	Benavidez v. Anheuser Busch, Inc.	256
Associated Press v. United States	1130, 1236	Benny v. Loew's Inc.	460
Astaire v. Best Film & Video Corp.	327	Berkey Photo, Inc. v. Eastman Kodak Co.	1184
AT&T Corp. v. Iowa Utilities Board	1306	Bernstein v. Meech	934
Atkinson v. Superior Court	1047	Bernstein v. National Broadcasting Co.	214
Augustine, United States v.	338	Bernstein v. Universal Pictures	1053
Aulicino v. N.Y.C. Dep't of Homeless Srvs.	1096	Bery v. City of New York	310
Automatic Radio Manufacturing Co. v. Hazeltine Research, Inc.	1077	Beverly Glen Music v. Warner Communications	904
Autry v. Republic Productions, Inc.	644, 797	Beyer v. Cnty. of Nassau	1097
Ayeni v. Mottola	172	Bill v. Superior Court	108
Aymes v. Bonelli	580	Bindrim v. Mitchell	163, 184
Ayres v. City of Chicago	311	Blackhorse v. Pro-Football, Inc.	675, 676, 678
B & B Hardware, Inc. v. Hargis Indus.	677	Blaustein v. Burton	710, 721, 978
BAA v. Sullivan	691	Bleistein v. Donaldson Lithographing Co.	368
Baer v. Chase	726	Bloate v. United States	1305
Bailey v. Mathers III	208	Bloom v. Hearst Entertainment	595
Baker v. BNB Associates	965	Bloor v. Falstaff Brewing Corp.	760
Baker v. Chock Full O'Nuts Corp.	847	Blume v. Spear	393
Baltimore Orioles v. Major League Baseball Players Ass'n	581	BMI v. Hearst/ABC Viacom Ent. Services (Lifetime Television)	1087
Bantam Books v. Sullivan	70, 120	Boehm v. American Broadcasting Co.	924
Barker v. Stickney	882	Bonner v. Westbound Records, Inc.	765, 951
		Bonneville Int'l Corp. v. Peters	565
		Book Named John Cleland's Memoirs of a Woman of Pleasure v. Attorney General of Mass.	43

Booth (Shirley) v. Curtis Publishing Co.	307	Buchwald v. Superior Court of San Francisco.....	957
Bose Corp. v. Consumers Union of U.S., Inc.....	152	Buck v. Jewell-LaSalle Realty Co.	388, 502
Boston Professional Hockey Association v. Dallas Cap & Emblem Manufacturing	659, 689	Buffalo Broadcasting Co. v. ASCAP	1083, 1084
Boulevard Ent., Inc., In re	679	Buffalo Builders' Supply Co. v. Reeb	884
Bourne v. Walt Disney	654	Bullard v. MRA Holding	245
Brandenburg v. Ohio.....	22, 86, 97, 116, 124	Burbank v. McIntyre	863
Branzburg v. Hayes.....	182	Burgess v. Chase-Riboud.....	376
Brewer v. Memphis Publishing Co., Inc.	222	Burrow-Giles Lithographic Co. v. Sarony	371
Bridgeport Music v. Dimension Films.....	572	Business Electronics Corp. v. Sharp Electronics Corp.	1139
Bright Tunes Music Corp. v. Harrisongs Music	385	Butler v. Michigan	64
Briscoe v. Reader's Digest Ass'n ...	173, 176, 214	Byers v. Edmondson	86, 87
Brittingham v. Jenkins	678	Byrne v. Barrett.....	981
Broadcast Indecency, Re	68	C.L.A.S.S. Promotions, Inc. v. D.S. Magazines, Inc.....	670
Broadcast Music, Inc. v. 315 West 44th St. Rest. Corp.....	554	Cabaniss v. Hipsley.....	237
Broadcast Music, Inc. v. Claire's Boutiques, Inc.	561	Cable News Network v. Video Monitoring Services	492
Broadcast Music, Inc. v. Columbia Broadcasting System	337, 1064, 1074, 1085, 1137	Cable/Home Communication Corp. v. Network Productions, Inc.	534
Broadcast Music, Inc. v. DMX Inc.	1097	Cablevision Systems Corp. v. FCC	1305
Broadcast Music, Inc. v. Moor-Law, Inc.	1071	Cain v. Universal Pictures.....	438
Broadcast Music, Inc., United States v.	1093, 1098	California Dental Ass'n v. FTC	347
Broadrick v. Oklahoma	48, 50	California First Amendment Coalition v. Lungren	291
Broadway Photoplay Co. v. World Film Corp.	934	Campbell a.k.a. Luke Skywalker v. Acuff-Rose Music, Inc.	300, 313, 457
Brooklyn Institute of Arts and Sciences v. City of New York and Rudolph W. Giuliani	54	Campbell v. Seabury Press.....	197, 216
Brown Shoe, Co. v. United States.....	1117	Cantrell v. Forest City Publishing.....	204
Brown v. Entertainment Merchants Ass'n	123	Capital Broadcasting Co. v. Mitchell.....	70
Brown v. Perdue	411	Capital Cities Cable, Inc. v. Crisp.....	1239
Brown v. Pro Football, Inc.	1045	Capital Cities/ABC, Inc. v. FCC	1222
Brown v. Twentieth Century Fox Film	597	Capital Cities/ABC, Inc., In re	605
Browne v. McCain	696	Capitol Records, LLC v. ReDigi, Inc.	547
Bruce Drug, Inc. v. Hollister, Inc.	351	Capitol Service, Inc., United States v.	1195
Brunswick Corp. v. Pueblo Bowl-O-Mat, Inc.	342	Cardtoons v. MLB Players Association.....	300, 313
Bryant v. Tri-County Elec. Membership Corp.	99	Carducci v. Regan	1318
Buchwald v. Paramount Pictures	714, 860	Carrere, In re	811
		Carson v. Allied News Co.	212
		Carter Mountain Transmission v. FCC	1231
		Carter v. Helmsley-Spear	649
		Carter v. Milestone	757
		Cartoon Network, LP v. CSC Holdings, Inc.	428, 493

Casey v. Kastel	787	Colgate, United States v.	1140
Castle Rock Entertainment, Inc. v. Carol Publishing Group, Inc.	421, 456, 512	Collins v. National Basketball Players Ass'n & Grantham	1001
Catalano, Inc. v. Target Sales, Inc.	347	Columbia Broadcasting System, Inc. v. ASCAP	1073, 1075
CBS Corp. v. Federal Communications Commission	74	Columbia Broadcasting System, Inc. v. DeCosta	383
Cellco Partnership v. FCC	1301, 1321	Columbia Broadcasting System, Inc. v. Loew's Inc.	460
Central Hudson Gas & Electric Corp. v. Public Service Commission of New York	305, 662, 1245	Columbia Broadcasting System, Inc. v. Merrick	818
Century Communications Corp. v. FCC	1231	Columbia Pictures Corp. v. DeToth	755
Cerasani v. Sony	164	Columbia Pictures Industries, Inc. v. Redd Horne, Inc.	507
Chandler v. Roach	722	Columbia Pictures, United States v.	1188
Chaplinsky v. New Hampshire	30, 58, 59, 104, 124, 131	Colvig v. RKO General, Inc.	909
Chapman v. United States	1307	Comcast Corp. v. FCC	1293
Chase-Riboud v. Dreamworks	376	Comedy III Productions v. Gary Saderup, Inc.	265, 308
Checker Motors Corp. v. Chrysler Corp.	1078	Communications Workers of America v. Beck	1028
Cher v. Forum International	307	Community for Creative Non- Violence v. Reid	576, 1050
Chesapeake & Potomac Telephone Co. v. United States	32, 1251	Community Television of Southern California v. Gottfried	488
Chesler v. Avon Book Division, Hearst Publications	637	Complaint of Syracuse Peace Council, In re	1228, 1231
Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.	1276, 1303	Complaints Against Various Television Licensees Regarding Their Broadcast on Nov. 11, 2004, In re	80
Chicago Board of Trade v. United States	1077	Complaints Regarding Various Television Broadcasts Between February 2, 2002, and March 8, 2005, In re	76
Chicago Cable Communications v. Chicago Cable Commission	1244	Computer and Communications Industry Assn. v. FCC	1286
Children of Bedford v. Petromelis	271	Concert Connection, Ltd., People v.	1194
Childress v. Taylor	583	Connection Distrib. Co. v. Reno	95
Christiansburg Garment Co. v. EEOC	611, 615	Consumers Union of the United States, Inc. v. General Signal Corp.	666, 693
Church of Lukumi Babalu Aye, Inc. v. Hialeah	132	Contemporary Mission, Inc. v. Famous Music Corp.	853, 857, 931, 951
Chuy v. Philadelphia Eagles	209	Continental Natl. Bank v. Strauss	787
Cinevision v. City of Burbank	38	Continental T.V., Inc. v. GTE Sylvania, Inc.	1077, 1137
Circuit City Stores v. Adams	1036	Copeland v. Bieber	417
Clark v. Hauck Mfg. Co.	98	Corabi v. Curtis Publishing Co.	257
Clayton & Waller, Limited v. Oliver	909	CoStar Group, Inc. v. LoopNet, Inc.	497
Cleary v. News Corp.	626	Cox Broadcasting v. Cohn	193
Cliffs Notes, Inc. v. Bantam Doubleday Dell Publishing Group, Inc.	668	Cox v. New Hampshire	17
Cohen v. California	59, 60, 63, 125, 311, 1208	Craig v. Boren	1266
Cohen v. Cowles Media Co.	170, 1236		
Cohen, D/B/A Bizarre Music v. Paramount Pictures Corp.	592		

Croce v. Kurnit	973, 978	Diane Herceg and Andy V. v.	
Cross & Brown Company v.		Hustler Magazine, Inc.	98, 101
Nelson.....	1036	Diaz v. Oakland Tribune, Inc.	194
Curtis Publishing Co. v. Butts	152	Dic Animation City v. Animation	
Cutler v. NLRB.....	1060	Writers of America	1063
D. Ginsberg & Sons, Inc. v.		Dietemann v. Time, Inc.	173
Popkin	1320	Dodd v. Fort Smith Special School	
D.C. Comics v. Towle.....	451	District No. 100	627
Daily Times Democrat v.		Doubleday & Company, Inc. v.	
Graham	186	Tony Curtis	846
Daley v. Town of West		Douglass v. Hustler Magazine,	
Brookfield	911	Inc.	209
Dallas Cowboys Cheerleaders, Inc. v.		Dr. Miles Medical v. John D. Park &	
Pussycat Cinema, Ltd.	667	Sons.....	1139
Dallas, City of v. Stanglin	114	Dr. Seuss Enters. v. Penguin Books	
Danjaq v. Sony Corp.....	587, 588	USA, Inc.	522
Dastar v. Twentieth Century Fox		Dresbach v. Doubleday &	
Film Corp.	663	Company	213
Davidson v. Time Warner	83	Dun & Bradstreet v. Greenmoss	
Davis County Solid Waste		Builders	105
Management v. EPA.....	1332	Duplex Printing Press Co. v.	
Davis v. Costa-Gavras	156, 211, 857	Deering	997, 1038
Davis v. TWA.....	301	Durham Industries, Inc. v. Tomy	
Davis-Kidd Booksellers v.		Corp.....	448
McWherter	121	Dworkin v. Hustler Magazine,	
Day v. Rosenthal.....	973	Inc.	97
De Gregorio v. CBS.....	203	E.E.O.C. v. Local 40, Int'l Ass'n of	
De Haviland v. Warner Bros.		Bridge, Structural & Ornamental	
Pictures	793	Iron Workers.....	1097
De Jonge v. Oregon.....	21	E.I. du Pont de Nemours & Co.,	
De La Falaise v. Gaumont-British		United States v.....	1119
Picture Corp.	920, 924	E.S.S. Entm't 2000, Inc. v. Rock Star	
De RivaFinoli v. Corsetti.....	808, 888	Videos, Inc.	698
Dean v. Cameron, et al.....	378	Eastwood v. The Superior Court of	
DeCosta v. CBS.....	383	Los Angeles County.....	267
DeCosta v. Viacom		Edelstein v. Gillmore	995
International.....	383	Edwards v. Arsenio Hall.....	154
Deepsouth Packing Co. v. Laitram		Effects Associates, Inc. v. Cohen ...	588
Corp.	489	Elbee Chocolate Co. v. United	
Deere & Co. v. MTD Prods., Inc.	700	States	69
Delgado v. American Multi-		Eldred v. Ashcroft	602, 603, 665
Cinema	147	Elektra Records Co. v. Gem Elec.	
Dell Publishing Co. v. Whedon	845, 849	Distribs., Inc.	499
Denker v. Uhry	401	Elkus v. Elkus	329
Dennis v. United States	19	Elsmere Music, Inc. v. Nat'l Broad.	
Denver Area Educational		Co.	422, 473
Telecommunications Consortium		Elvin Associates v. Aretha	
v. FCC.....	1246	Franklin	747
Deployment of Wireline Services		Embs v. Pepsi-Cola Bottling Co. of	
Offering Advanced		Lexington.....	98
Telecommunications Capability,		Emergency One, Inc. v. Am. Fire	
In re	1297, 1303	Eagle Engine Co.	677
Desnick v. ABC, Inc.....	185	Emerson v. Davies	459
Desny v. Wilder	440, 705	Engel v. CBS Inc.	992
Detective Comics, Inc. v. Bruns		Entis v. Atlantic Wire & Cable	
Publications, Inc.	445, 448	Corp.....	935
Diamond Mortgage Corp., In re	307	Erickson v. Trinity Theatre	585
		Erie, City of v. Pap's A.M.....	40

Erznoznik v. City of Jacksonville....	65, 126, 130
Ettore v. Philco Television Broadcasting Corp.	249
ETW Corp. v. Jireh Publishing, Inc.	242, 314
Euclid v. Ambler Realty Co.	61
F.E.L. Publications, Ltd. v. National Conference of Catholic Bishops	697
Facenda v. NFL Films	344
Fact Concerts, Inc. v. City of Newport	38
Factors Etc., Inc. v. Pro Arts, Inc.	323, 328
Fantasy, Inc. v. Fogerty	397, 615
Faris v. Enberg	712
Fayard (Librairie Arthème) v. Henry Holt & Co.	851
FDA v. Brown & Williamson Tobacco Corp.	1306
Federal Communications Commission v. Fox Television Stations, Inc.	75, 1304
Federal Communications Commission v. League of Women Voters of Cal.	1235
Federal Communications Commission v. Midwest Video Corp.	1247, 1321
Federal Communications Commission v. National Citizens Committee for Broadcasting....	1251, 1264
Federal Communications Commission v. Pacifica Foundation	56, 63, 64, 65, 72, 78, 79, 105, 276, 1208
Federal-State Joint Board on Universal Service, In re	1277, 1284
Feiner v. New York	17
Feist Publications, Inc. v. Rural Telephone Service	369, 550
Feltner v. Columbia Pictures Television	615
Ferguson v. Writers Guild of America, West, Inc.	1022
Fetler v. Houghton Mifflin	163
Fink v. Goodson-Todman Enterprises, Ltd.	415, 716
Fisher v. Dees	422
Fisher v. Murray M. Rosenberg, Inc.	232
Fitzgerald Publishing Co., Inc. v. Baylor Publishing Co., Inc.	605
Flat Glass Antitrust Litig., In re	1169
Flight Attendants v. Zipes	612
Florida Power & Light Co. v. International Brotherhood of Electrical Workers	1026
Florida Star, The v. B.J.F.	130, 200
Fogerty v. Fantasy, Inc.	611
Foley v. Interactive Data Corp.	927
Follett v. Arbor House Publishing Co.	627
Folsom v. Marsh	459, 463
Fonovisa v. Cherry Auction	519
Food Lion v. Capital Cities/ABC Inc.	189, 190
Ford Motor Co. v. Summit Motor Products, Inc.	508
Formal Complaint of Free Press and Public Knowledge Against Comcast Corp. for Secretly Degrading Peer-to-Peer Applications, In re	1298
Forsher v. Bugliosi	214
Fortnightly Corp. v. United Artists Television, Inc.	429, 479, 1228
Fox Television Stations, Inc. v. Federal Communications Commission	76, 78, 79, 80, 81, 1252
Fox, In re	679
Foxx v. Williams	898, 903
Framework for Broadband Internet Service, In re	1299
Frankel v. Stein & Day	880
Franklin Mint Corp. v. National Wildlife Art Exchange	397
Fred Fisher Music v. M. Witmark & Sons	599
Fred Fisher, Inc. v. Dillingham	389
Frederick Warne & Co. v. Book Sales, Inc.	658
Free Speech Coalition v. Reno	42
Free Speech Coalition v. Shurtleff	74
Free v. Paramount	184
Freedman v. Maryland	134
Freund v. Washington Square Press, Inc.	928, 934
Frisch's Restaurants, Inc. v. Elby's Big Boy of Steubenville, Inc.	292
FTC v. Paramount Famous-Lasky Corp.	1174
FTC v. Warner Communications, Inc.	1191
Fullilove v. Klutznick	1256, 1257
G. Ricordi & Co. v. Paramount Pictures, Inc.	641
Gaines v. Herman	684
Galella v. Onassis	173
Gannett Publishing, Matter of	67
Garrison v. Louisiana	167

Gaste v. Morris Kaiserman A/K/A Morris Albert 395, 440, 606	Groucho Marx Productions v. Day & Night Co. 252, 328
Gates v. Discovery Communications, Inc. 194	Group Association Plans, Inc. v. Colquhoun 982
Geary v. Al Goldstein 169	Guglielmi v. Spelling-Goldberg Productions 251, 252, 308, 324, 326
Geisel v. Poynter Products, Inc. 644	Gypsum Co., United States v. 1124
Geller, In re 673, 678, 681, 683	H. A. Artists & Assocs., Inc. v. Actors' Equity Ass'n 994, 1043
General Cinema v. Buena Vista Distribution Co. 1195	Hadley v. Baxendale 912
General Electric Co., United States v. 1124	Haelan Laboratories, Inc. v. Topps
General Leaseways, Inc. v. Nat'l Truck Leasing Ass'n 347	Chewing Gum, Inc. 233, 300
General Telephone Co. v. United States 1250	Halicki v. United Artists Communications, Inc. 624
Gennaro v. Rosenfield 895	Hall v. Bureau of Employment Agencies 962
Georator Corp. v. United States 678	Halmi, In re 281
Gershunoff v. Panov 984	Hanlon v. Berger 172
Gertz v. Robert Welch, Inc. 58, 105, 152, 249	Hanover Star Milling Co. v. Metcalf 677
Gilbert v. Medical Economics Co. 197	Harcourt Brace Jovanovich, Inc. v. Barry Goldwater 841, 849
Gill v. Hearst Publishing Co. 186	Harjo v. Pro-Football, Inc. 675, 680
Gill v. Snow 197	Harlequin Enterprises v. Warner Books 836
Gilliam v. American Broadcasting Companies, Inc. 640	Harper & Row Publishers v. Nation Enterprises 364, 452, 458, 555
Gilroy v. American Broadcasting Co. 931	Harris v. Emus Records Corp. 605
Ginsberg v. New York 60, 72, 79, 126, 134	Harrods Ltd. v. Sixty Internet Domain Names 677
Gitlow v. New York 16	Harry Rogers Theatrical Enterprises v. Comstock 889
Glen Holly Entm't, Inc. v. Tektronix Inc. 342	Hauser v. Harcourt Brace Jovanovich 857
Goetz v. Crosson 1098	Haynes v. Alfred A. Knopf, Inc. 203
Gold Seal Productions v. RKO Radio Pictures 752	Heeb Media, LLC, In re 679, 681, 683, 684, 688
Goldstein v. California 564	Henningsen v. Bloomfield Motors 869
Goodis v. United Artists Television 597	Henry, State v. 38
Goodman, United States v. 563	Hensley v. Eckhart 614
Goudal v. Cecil B. DeMille Pictures Corp. 819	Herbert v. Lando 226
Graham v. Scissor-Tail, Inc. 860, 1030	Herbert v. Shanley Co. 1065
Grand Upright Music v. Warner Brothers Records 567, 570	Herndon v. Lowry 21
Grant Richards, Re 882	Hess v. Indiana 23, 88, 97
Granz v. Harris 634, 643, 646	Hicks v. Casablanca Records 258
Great Lakes Broadcasting Co. v. Federal Radio Commission 1207	High Fructose Corn Syrup Antitrust Litig., In re 1170
Greenbie v. Noble 373	Hilton International Co. v. NLRB 1063
Greenbrier Cinemas, Inc. v. Attorney General 1196	Hilton, United States v. 49
Griffith, United States v. 1134	Hirsch v. S.C. Johnson & Son, Inc. 293
Grinnell Corp., United States v. 1185, 1194	Hobbs v. Pasdar 228
Gritzke v. M.R.A. Holding, LLC 189	Hoehling v. Universal City Studios, Inc. 373
Grosso v. Miramax 726	Hoffman v. Capital Cities 318
	Holloway v. American Media 170

Holmes v. Hurst.....	368	Interstate Circuit v. City of Dallas.....	24, 25, 134, 142
Home Box Office v. Federal Communications Commission.....	1188, 1230	Interstate Circuit v. United States.....	1124, 1153, 1154
Home Box Office, Inc. v. Directors Guild of America, Inc.	1053	Interstate Commerce Commission v. Baltimore & Ohio Railroad Co.	1322
Hood v. The National Enquirer	219	Iowa State Univ. Research Found., Inc. v. Am. Broad. Cos.....	555
Horgan v. Macmillan.....	379	J. Walter Thompson Co. v. Winchell.....	894
Hormel Foods Corp. v. Jim Henson Productions, Inc.	666, 700	J.B. Lippincott Co. v. Lasher.....	850
Horsley v. Rivera	164	J.I. Case v. NLRB	1001, 1013
Hotchkiss v. Nat'l City Bank	743	Jackson v. Playboy Enterprises.....	188, 328
Howard Hess Dental Labs. Inc. v. Dentsply Int'l, Inc.	1168	Jacobellis v. Ohio	26, 38
Howard v. Murray	975, 977	Jaeger v. American Int'l Pictures, Inc.	644
Howell v. New York Post.....	200, 201	James v. Meow Media	89
Hubbard Broadcasting, Inc. v. Southern Satellite Systems, Inc.	481	Jarvis v. A & M Records	568, 609
Hunt v. Crumboch	1040	Jason v. Fonda	396
Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc.	311	Jefferson Parish Hospital District No. 2 v. Hyde	1178
Hustler Magazine, Inc. v. Falwell.....	166, 168, 276	Jenkins v. Georgia	30, 38
Hutcheson, United States v.	998, 1038	Jerry Kravat Ent. Services v. Cobbs.....	1036
Illinois Citizens Committee for Broadcasting v. FCC.....	56	Jilley Film Enters. v. Home Box Office.....	762
Illinois Tool Works Inc. v. Independent Ink, Inc.	1179	John Hetherington & Sons, Ltd. v. William Firth Co.	912, 913, 917
Impressions, Inc. v. Twin Cities Printing Trades Union, Local No. 29	1060	Johnny Carson v. Here's Johnny Portable Toilets, Inc.	292, 302
Industrial Foundation of the South v. Texas Industrial Accident Board	196	Jones v. J.B. Lippincott Co.	100
Infinity Broadcasting Corp. of Pennsylvania, Matter of	67, 78	Joplin Enterprises v. Allen.....	252, 330
Inquiry Concerning High-Speed Access to the Internet Over Cable and Other Facilities, In re.....	1276, 1288, 1294	Jordache Enterprises, Inc. v. Hogg Wyld, Ltd.	700
Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, In re	1294, 1309	Joseph Burstyn, Inc. v. Wilson	16, 59, 94, 124, 1244, 1346
Interactive Digital Software Ass'n v. St. Louis County, Mo.	94, 112, 114, 115, 128	Joseph v. Schatzkin	787
Intercollegiate Broad. Sys. v. Copyright Royalty Bd.	879	K-91 v. Gershwin Publishing	1071
International News Service v. The Associated Press	372	Kalem Co. v. Harper Bros.....	249, 477
International Order of Job's Daughters v. Lindeburg.....	691	Keenan v. Superior Court of Los Angeles County	282
		Kelly v. William Morrow.....	208
		Kennedy v. Mendoza-Martinez	684
		Kentucky Fried Chicken v. Diversified Packaging Corp.	693
		Ketcham v. Hall Syndicate	798
		Keystone Consol. Industries, Inc., Commissioner v.	1284
		Kienzle v. Capital Cities/ABC	728
		Kimbrough v. Coca-Cola/USA	255
		King Records, Inc. v. Brown	892
		King v. Innovation Books	628
		King World Productions, In re	185
		Kingsley International Pictures v. Regents of the University of the State of New York	19