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Fourth Edition



Paul C. Weiler
Gary Myers

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

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■ ■ ■

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

For Bridget, Abigail, and Elinor
—GM

PREFACE

Since the first edition of *Entertainment, Media, and the Law* appeared fifteen years ago, the entertainment industry has generated increasingly challenging moral, economic, and legal issues. The killings in Columbine 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 on its numerous successors. 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.

Both 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).

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