

Entertainment & Sports Forum 2017

May 19th, 2017

Belmont – Nashville, Tenn.



Program Producer(s): Jeff Allen, Bradley Arant Boult Cummings LLP

Total Credits: 3 General; 1 Dual

Join a distinguished group of speakers for an afternoon discussion of some of the most cutting edge legal issues in the music and entertainment industry today. The panels for this year's annual Entertainment & Sports Law Forum have been carefully crafted to provide timely and practical information that will benefit practitioners of all levels, showcasing a wide swath of areas ranging from trademarks and copyrights to virtual reality. Highlights include:

- a Supreme Court update focusing on hot button trademark and copyright cases;
- a debate on the state of music licensing as the PROs do battle with the Department of Justice;
- a primer on music publishing and how songwriters get paid; and
- an introduction to the world of virtual reality and the legal and ethical minefields contained therein.

12:00 p.m. – 12:30 p.m. **Registration/Welcome**

12:30 p.m. – 1:30 p.m. **Ripe for Review: A 2017 Supreme Court Update on Trademark and Copyright Cases**

This panel will take a fresh look at two active cases pending before the United States Supreme Court, Lee v. Tam, the trademark case involving the constitutionality of the disparagement clause under Section 2(a) of the Lanham Act, and Star Athletica, LLC v. Varsity Brands, Inc., the copyright infringement case involving whether certain designs on cheerleading uniforms are eligible for copyright protection, and discuss the far-reaching implications that the Court's holding in both cases could have on the entertainment industry.

This panel will also briefly explore the constantly-shifting topic of copyright fair use and whether, and to what extent, Supreme Court review might provide much-needed guidance on this murky area of the law. This panel will highlight the recent Sixth and Ninth Circuit split involving sound recording sampling and discuss the likelihood of Supreme Court review and potential outcomes in light of the current state and composition of the Court.

Jeff Allen, *Bradley Arant Boult Cummings LLP*
Jenna Harris, *Riley Warnock & Jacobson, PLLC*
Stephen Zralek, *Bone McAllester Norton, PLLC*

1:30 p.m. – 2:30 p.m.

Licensing Wars: The DOJ vs. the PROs

On August 4, 2016, the Department of Justice ("DOJ") issued a statement conveying a new interpretation of the long-standing consent decrees that govern the operation of the two largest musical works performing rights organizations ("PROs") in the United States. This interpretation threatens to upend over a century of music licensing practice and has been challenged by the PROs.

This panel will explore the various stakeholders' opinions of the DOJ statement, potential issues with its implementation, and a status update of the proceedings thus far.

Moderator: Reid Waltz, SESAC

Panelists: J.D. Connell, SESAC

Ryder Lee, Attorney at Law

2:30 p.m. – 2:45 p.m.

Break

2:45 p.m. – 3:45 p.m.

Music Publishing 101: From Writing a Song to Getting Paid for a Song (and Everything in Between)

Every day, new songs are written on Music Row and all over the world. Some songs go on to be chart-topping hits and others never make it to the demo phase. For the songs that make it to the public, those who use the songs have the legal obligation to secure permission from the rights holders and have an obligation to compensate the songwriters. This discussion will focus on the royalty streams for songwriters and will look at how songwriters get paid for their work. The digital era makes music consumption and compensation even more complex, and this panel will provide an overview of the Copyright Act, royalty rates, and discuss the impact of the digital age.

John Barker, ClearBox Rights

3:45p.m. – 4:45 p.m.

Ethical and Legal Dilemmas of Virtual Reality

This panel will explore the legal and ethical issues that surround implementation of new virtual reality ("VR") and augmented reality ("AR") technologies in the legal, entertainment, and technology fields. New VR and AR tools are changing the way consumers interact with the world, from playing Pokémon™ GO to virtual museum visits. Could these technologies eventually transport jurors from the courtroom into a virtually recreated scene of a crime? Join us for an educational presentation examining the legal and ethical challenges presented by these advances in technology.

Molly Shehan, Milom Horsnell Crow Rose Kelly, PLC

Franklin Graves, Naxos Music Group

Rishab Jaju, HCA