Researching the Law of Motion Pictures: A Revised and Comprehensive Bibliography of Law-Related Materials

Frank G. Houdek
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by

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Table of Contents

I. Books .......................................................... 139
   A. In General .................................................. 139
   B. Antitrust .................................................. 140
   C. Business Aspects of Motion Pictures ......................... 140
   D. Copyright and Self-Regulation ................................ 143
   E. Censorship and Related Issues ................................. 146
   F. Foreign Film-Making ........................................... 147
   G. Taxation ...................................................... 148
II. Periodicals ................................................... 149
III. Legal Institute Program Materials ............................... 150
    A. Practising Law Institute ..................................... 150
    B. UCLA Entertainment Symposium ............................... 151
    C. University of Southern California Law Center
       Entertainment Law Institute .................................. 152

* This bibliography combines and revises two earlier works previously published in Hastings Communications and Entertainment Law Journal (COMM/ENT): Houdek & Gunderson, Theatrical Motion Pictures and the Law: A Comprehensive Bibliography of Law-Related Materials, 3 COMM/ENT L.J. 117 (1980) and Houdek, Theatrical Motion Pictures and the Law: A Comprehensive Bibliography of Law-Related Materials, Supplement (1980-1984), 6 COMM/ENT L.J. 951 (1984). The present work incorporates the organization used in the previous bibliographies while adding several new topics in the "Legal Periodical Articles" section to reflect the areas which have developed in this field since 1984 (e.g., Colorization, Character Rights, Title Rights, and Docudramas). Materials published through July 1991 are included.

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IV. U.S. Government Publications ........................................ 154
   A. Censorship, Ratings, and Regulation ................................ 154
   B. Economic Conditions and Labor .................................... 156
   C. Taxation ........................................................................ 158
   D. "Un-American" Activities and Blacklisting ..................... 158
   E. Video Recording and Piracy ........................................... 160
   F. Protecting the Artistic Rights of Filmmakers ................... 162
   G. Miscellaneous .................................................................. 165

V. Annotated Law Reports Annotations .................................... 166

VI. Legal Periodical Articles .................................................. 167
   A. Antitrust ........................................................................ 167
   B. Business Aspects of Motion Pictures ................................ 170
      1. Financing and Production .......................................... 170
      2. Distribution ............................................................ 173
      3. Labor and Employment Issues ..................................... 175
   C. Censorship and Regulation of Motion Picture Content .......... 177
      1. In General .................................................................. 177
      2. Self-Censorship and Rating Systems ............................. 179
      3. Violence in Motion Pictures ....................................... 179
      4. Adult Motion Picture Theaters ..................................... 179
      5. Propaganda and Political Censorship ............................ 180
   D. Copyright and Related Issues .......................................... 181
      1. Copyright .................................................................. 181
      2. Character Rights ...................................................... 186
      3. Title Rights ................................................................ 187
   E. Protecting the Artistic and Personal Rights of Filmmakers (See also "Colorization", "Right of Publicity", and "Screenwriters") ...................................................... 188
      1. In General .................................................................. 188
      2. Screen Credit ............................................................ 189
      3. Management ............................................................. 189
      4. Compensation/Personal Tax Issues ............................... 189
   F. Colorization .................................................................... 190
   G. Screenwriters .................................................................. 193
   H. Right of Publicity (See also "Docudramas") ...................... 193
   I. Docudramas .................................................................... 195
   J. Music and Motion Pictures .............................................. 196
   K. Taxation ......................................................................... 197
   L. Foreign and International Aspects of Filmmaking .............. 200
   M. Video Recording and Piracy ............................................ 202
   N. Miscellaneous .................................................................. 203
I

Books

A. In General

Annual compilation of articles (some original, some reprinted) recap-
pering the latest developments in the legal field of entertainment, pub-
lishing and the arts. Designed to assist practitioners by providing
practical articles prepared by experts in the field. Includes sections on
topics such as copyright, music, motion pictures, employment, and
taxes.

Based on an exhaustive review of every available state and federal
court decision at the time, as well as decisions from England and Can-
ada, this treatise reviews the rights of authors, actors, screenwriters,
directors, producers, distributors and exhibitors as they relate to the
law of motion pictures. Separate chapters cover unfair competition
and copyright.

Muller, Peter. Show Business Law: Motion Pictures, Television, Video.
INCLUDES: 1. The Acquisition of Motion Picture Rights by Op-
tion; 2. The Personal Manager Agreement; 3. The Agent Agreement;
4. The Actor Agreement; 5. The Screen Writer Agreement; 6. The
Producer Agreement; 7. The Director Agreement; 8. Master Re-
cording Use for a Motion Picture and Synchronization Rights; 9. The
Motion Picture Distribution Agreement: The Worldwide Pic-Up
Deal; 11. Licensing Feature Films for Television Syndication; 12. In-
ternational Coproductions; 15. Independent Production Financing.

Rudell, Michael I. Behind the Scenes: Practical Entertainment Law.
New York, NY: Law & Business, Inc./Harcourt Brace Jovanovich,
INCLUDES: 2. Names, Credits and Titles; 3. Copyright Protection;
4. Representation—Managers, Agents, and Attorneys; 8. New
Technologies.

Selz, Thomas D. and Melvin Simensky. Entertainment Law. Colorado
INCLUDES: 1. Industry Structure; 2. Huge Investments/High
Risks; 5. Anticompetitive Practices; 7. Practical Limits on Power of
Distributors; 9. The Value and Uses of Billing; 11. Credit Vehicles:
Where and How; 12. Multiple Contributor Credits; 18. Right of Pri-
vacy; 19. Right of Publicity. Volume 3 contains sample entertain-
ment industry forms, including model agreements for literary
purchases; screenplay employment; screenplay loanout; producer/director relationship; producer's/director's loanout; performer's agreement, actor's agreement; composer's agreement.

B. Antitrust


CONTENTS: I. The Product and Its Demand; II. A History of Innovations and Combinations; III. Industrial Structure at the Time of Prosecution; IV. Pricing and Trade Practices; V. The Paramount Case and Its Legal Background; VI. Impact of the Paramount Decrees; VII. Exhibition Control in Chicago: The Jackson Park Case; VIII. Private Antitrust Actions in the Motion Picture Industry; IX. Critical Comment and Conclusions.


C. Business Aspects of Motion Pictures


INCLUDES: Acquisition of literary property, screenplay agreements, production-distribution agreements, forms of financing, pro-
duction agreements with talent, director’s agreement, studio facility agreement, distribution and exhibition agreement.


INCLUDES: Pertinent excerpts from contracts of major guilds and craft unions.


Farber, Donald C., editor. *Entertainment Industry Contracts*. York, NY. Matthew Bender & Co., 1986. 4 v. An extensive form book set with added commentary, providing guidance on negotiating and drafting contracts in the five major areas of the entertainment industry: motion pictures, music, television, book publishing, and theatre. Forms are accompanied by instructions on completing specific clauses and advice on negotiating. Table of contract clauses provides easy access to the forms.


VOLUME 2: Motion Pictures, Television and Radio, Sound Recordings, Artwork, Photographs, Advertising and Publicity, and Commercial Exploitation.

A manual of contract forms covering every phase of the motion picture industry from the purchase of screen rights in book, plays and other material, through financing and production, to distribution and exhibition, with collateral forms dealing with the sale and leasing of motion picture equipment, the leasing of theaters, etc.


CONTENTS: I. Production: The Option Contract, Contracting with the Talent, Problems in Financing Feature Films, Production Subsidies, the Elements of Popularity; II. Problems in Distribution-Exhibition: The Distribution Agreement, the Exhibition License, Foreign Films—Yesterday and Today, Distribution Abroad, Non Theatrical Markets 1: Schools Clubs, Universities and Related Areas, Non Theatrical Markets 2: TV and the New Media, Print Piracy, The Impact of the Antitrust Laws, Films and Conglomerates, Publicity and Advertising; III. Problems of Content: Control of Film Content, Trouble About Titles, Film and Defamation, Film and Piracy, Compensation for Ideas, Characters and Sequels, Copyright Law, Music and Film; IV. Conclusion: To Sum it Up.


Addresses practical problems and solutions common to the developing law governing the creation, development, transfer, and exploitation of various artistic properties. Highlights specific business aspects of entertainment, discussing issues and problems relating to contracts and negotiations. Includes a partial listing of key organizations, guilds, and unions.


INCLUDES:
1. Growth of the Media Industries: Motion Picture Production and Distribution, Motion Picture Theaters;
2. Ownership and Control of the Media Industries: Ownership Concentration: Motion Picture Industry, Motion Picture Theater Ownership;
3. Economics of the Media Industries: Motion Picture Finances, Finances of the Major Film Production Companies, Motion Picture Theater Finances;
4. Employment and Training the Media Industries: Employment in the Motion Picture Industry;
5. Content Trends in the Media: Subject Matter of Motion Pictures;
6. Size and Characteristics of Media Audiences: Characteristics of Motion Picture Audiences;


D. Censorship and Self-Regulation


CONTENTS: I. The Supreme Court and the Right of Free Speech for Motion Pictures Under the Constitution: The “Early Period,” 1915-52; II. Motion Pictures and the Right of Free Expression Under the Constitution: The “Modern Period,” 1953-1965; III. State Censorship of Motion Pictures; IV. Local Censorship of Motion Pictures; V. Conclusion.

A comprehensive review of government’s role in the regulation of various mechanisms for the communication of ideas and information, including the press, radio, and movies. The author’s thesis is that more is kept from the minds of the country’s citizens by a lack of diversity of ownership of these mechanisms than by government interference.


APPENDICES: The Development of the Film Censorship System (Appendix 2); Obscenity Law and Practice Elsewhere (Appendix 3); Film Censorship in Other Countries (Appendix 4).

Based on extensive research done by the Committee on International Relations of the American Institute of Cinematography, this volume is intended to summarize the role of the cinema in world affairs as of the time of publication. In so doing, it considers “Official Censorship,” both in the United States and abroad; “Unofficial Censorship” in the United States; the role of cultural, documentary, and educational films; and “International Commerce in Films.”
**BIBLIOGRAPHY**


**CONTENTS:** I. England: The Local Authorities in England (1896-1909), The Development of a Censorship System (1910-1924), Extension and Consolidation of control (1925-1955), The British Board of Film Censors; II. Four Federal Countries: The United States of America, India, Canada, Australia; III. Three European Countries: Denmark, France, Soviet Russia, IV. Conclusion: The Nature of Film Censorship.

**APPENDIX 5:** Some Constitutional Provisions Guaranteeing Freedom of Expression: United States of America, India, Canada, Denmark, France, Soviet Russia.


**INCLUDES:** Film Censorship in Other Countries; The Legal Aspect of Film Censorship.


Analyzes the operation of the Code of the Motion Picture Industry as established under authority of the N.R.A. in 1933. It reviews the problems sought to be resolved by the code and critically examines the degree of success achieved by the effort.


E. Copyright and Related Issues


Hurst, Walter E. *Your Introduction to Film—T.V., Copyright, Contracts, and Other Law.* Hollywood, CA: Seven Arts Press, 1973. 232 pp. Written for the layman involved in the motion picture industry; many sample forms; generalized discussion of various legal problems arising in the motion picture context, including contractual relationships, copyright, raising money, borrowing and buying equipment, privacy and libel, taxes, "selling" movies, distribution, motion picture music, producer—actor contracts and producer—writer contracts.


VOLUME 1: Subject Matter of Copyright: Motion Pictures and Other Audio Visual Works (Sec. 2.09); Publication: Publication of Motion Pictures and Other Audio Visual Works (Sec. 4.11).


F. Foreign Film-Making


INCLUDES:
I. The Fundamentals of Production; II. The Principles of Contract Law; III. Torts—Consideration of Defamation, Invasion of Privacy, and Insurance; IV. The Canadian Law of Copyright: Differences Between the Copyright Laws of Canada and the United States; V. The Acquisition of Film Rights in a Literary or Dramatic Property; VI. The Role of the Agent; VII. The Screenwriter and the Screenplay Agreement: Provisions of the ACTRA Collective Agreement; VIII. The Producer's Agreement with the Director: Provision of the Directors' Guild of Canada Collective Agreement; IX. The Talent Agreement: Provisions of the ACTRA Collective Agreement, The Loan-out Agreement—Tax Considerations; X. Music and Film; XI. Financing the Motion Picture: The Role of the Canadian Film Development Corporation, Foreign Subsidies, Coproduction Agreements, Financing by Way of a Production-Distribution Agreement (The Studio Agreement); XII. The Distribution Agreement; XIII. The Dis-
tributor-Exhibitor Relationship and an Overview of the Nontheatrical Markets.


Includes:
APPENDICES: The Development of the Film Censorship System (Appendix 2); Obscenity Law and Practice Elsewhere (Appendix 3); Film Censorship in Other Countries (Appendix 4).


APPENDICES: Royal Decree for the Aid of the Belgian Film Industry, Annuaire du Film Belge 1964, Cinematheque Royale De Belgique, Bruxelles; French-Italian Film Agreement of August 1, 1966, Textes du Cinema Francais, Center National de la Cinematographie, Volume 2, Title 5, Chapter 6.


G. Taxation


A tightly structured discussion of all aspects of motion picture production and distribution affected by the tax laws. Contains model agreements covering production, sale distribution, actors' loan out, and private placement.

Examines the significant tax issues that often arise in the filmmaking industry, in particular, those dealing with domestic production and distribution, methods of financing, and tax planning for talent. Several sample forms are included.

II
Periodicals


*Columbia-VLA Journal of Law & the Arts*. New York, NY: Columbia University School of Law and Volunteer Lawyers for the Arts. v. 10-, 1985-. Quarterly. (Formerly *Art & the Law*).


III
Legal Institute Program Materials

A. Practising Law Institute


Course materials distributed at the annual continuing education program presented by PLI under this title since 1979. Each year's program is intended to bring attendees up-to-date on the latest developments relating to the entertainment industry so the specific topics covered vary from year to year. Typical topics have included personal management; home viewing and new technologies; merchandising, licensing, and endorsements; contract negotiation; and tax problems.


Course materials distributed at an annual continuing education program presented by PLI. Volumes in 1970-71 were published in the Tax Law and Practice Course Handbook Series. Topics typically covered included counseling entertainers, the lawyer in the negotiation process, entertainment litigation, and tax planning.

Course materials for continuing education program presented several times during the 1970's, covering such topics as production/distribution agreements, gross receipts formula, insurance coverage, tax aspects, director's and actor's agreements, and screen play agreements.

B. UCLA Entertainment Symposium


C. University of Southern California Law Center Entertainment Law Institute


Music in Film/Film in Music. Los Angeles, CA: Entertainment Law Institute, The Law Center, University of Southern California, 1990. 1 v.


Non-Studio and Other Novel Methods of Financing Motion Pictures. Los Angeles, CA: Entertainment Law Institute, The Law Center, University of Southern California, 1974. 1 v.

Personal Service Agreements Revisited: Motion Picture and Television Industries. Los Angeles, CA: Entertainment Law Institute, The Law Center, University of Southern California, 1973. 1 v.


Syllabus and Forms on American Motion Picture Production in Foreign Countries. Los Angeles, CA: Entertainment Law Institute, The Law Center, University of Southern California, 1959. 1 v.


IV
U.S. Government Publications

A. Censorship, Ratings, and Regulation


Examines drug and alcohol use depiction in feature films and the role of the motion picture industry in curbing drug and alcohol abuse among young people, including possible use of a movie rating category to indicate drug use depiction. Jack Valenti, president and CEO of the Motion Picture Association, explains the voluntary film rating system and expresses reservations about the use of a special film rating category to indicate drug use depiction.
Traces industry self-regulation development since 1909, summarizes March-July 1977 hearings testimony; includes findings, conclusions and recommendations.

Witnesses include Jack Valenti (pp. 2-19), Sherrill Corwin (pp. 64-68), Robert W. Selig (pp. 68-71), Reverend Patrick J. Sullivan (pp. 151-174), and Richard D. Hefner (pp. 195-210).

Hearing on H. Con. Res. 9 and 182 relating to films and broadcasts which defame, stereotype, ridicule, demean, or degrade ethnic, racial and religious groups.

Hearing on H. Con. Res. 262 and H. Con. Res. 304 expressing the sense of Congress as favoring immediate cessation of the production and distribution in interstate commerce of films "which degrade, or demean racial, religious and ethnic groups and affect the moral behavior of all people throughout the Nation."

Hearings on S. Res. 152, a resolution authorizing an investigation of war propaganda disseminated by the motion-picture industry and of any monopoly in the production, distribution or exhibition of motion pictures.

B. Economic Conditions and Labor


Hearings to examine implementation of provisions in the Omnibus Trade and Competitiveness Act of 1988 which call for retaliatory import restrictions against trading partners engaged in unfair trade practices. Motion picture industry is one area under consideration, with testimony provided by Jack Valenti, president and CEO of Motion Picture Association, and a submission by Motion Picture Export Association detailing foreign market access for U.S. films in six countries (p. 243-260).


Examines programming and employment issues relating to minority participation in the broadcasting industry, focusing on television, but including discussion by individuals such as Sidney Poitier on the extent of discrimination against blacks and other minorities in both the motion picture and TV industries.


Hearing conducted at request of California Advisory Committee for the purpose of subpoenaing the witnesses and listening to their testimony under oath. Witnesses include representatives of the Directors Guild of America, Paramount Pictures Corporation, Twentieth Century Fox Corporation, Association of Motion Picture and Television Producers, International Alliance of Theatrical and Stage Employees as well as other trade unions. Exhibits include various contracts, collective bargaining agreements and employment statistics.


Hearings held in Los Angeles on Hollywood film industry unemployment and reasons for American film production abroad. Also on H.R. 6069, the Domestic Film Production Incentive Act of 1971, offering tax relief for domestically produced film distribution, as well as other pending legislation and administrative employment-stipulating measures. Witnesses include John W. Lehners (pp. 7-14), Barry Goldwater Jr. (pp. 28-36) and Charlton Heston (pp. 75-86).


United States. Congress. House. Committee on Interstate and Foreign Commerce. *Motion-Picture Films (Compulsory Block Booking and
**C. Taxation**


**D. “Un-American” Activities and Blacklisting**


1951


United States. Congress. House. Committee on Un-American Activities. *Communist Infiltration of the Hollywood Motion-Picture In-


Hearings which led to conviction of the "Hollywood Ten." Witnesses include Bertolt Brecht, Gary Cooper, Walt Disney, Ayn Rand, and Ronald Reagan.

E. Video Recording and Piracy


Examines the problem of international infringement of U.S. copyright, trademark, and patent laws by the unauthorized reproduction and sale of motion pictures, music recordings, and other intellectual property. Jack Valenti, president of Motion Picture Association, and Charles Morgan, Vice-President of Universal City Studios, express views on international piracy of motion pictures.

Hearing to examine issues concerning the unauthorized home video tape copying of copyrighted movies and other material from video cassettes and discs. The pros and cons of video tape anticopying devices in recorders are presented.


Hearing considers H.R. 1029, a bill to prohibit the commercial rental, lease, or lending of motion pictures or other audiovisual works unless authorized by the copyright owner. Features testimony offered by a variety of witnesses both favoring and opposing this legislation, including that of Alan Hirschfield, CEO of Twentieth Century Fox (favoring), and several video company executives (opposing).


Testimony of David Ladd, Register of Copyrights, presents highlights of Copyright Office report (appended) on international copyright protection against piracy of books, records, and films.


Hearing to consider S. 33, which would prohibit commercial rental, lease, or lending of motion pictures or other audiovisual works without authorization of the copyright owner.


Hearings to consider copyright bill which would exempt from copyright infringement liability video recordings made by individuals for noncommercial use. This bill would reverse the 1981 Ninth Circuit decision in *Universal City Studios, Inc. v. Sony Corp.* It would also prohibit the commercial rental of motion pictures unless authorized by the copyright owner.
Recommends passage of H.R. 3530, which increases penalties for trafficking in counterfeit labels for copyrighted records, tapes, and audiovisual works, and for copyright infringement of these products.

Includes testimony by James Bouras, representing the Motion Picture Association of America, as to the extent and impact of motion picture and record piracy and counterfeiting (pp. 766-97).

Considers bill that would increase penalties for trafficking in counterfeit labels for copyrighted records, tapes, and audiovisual works, and for copyright infringement of these products. Includes testimony by James Bouras, representing the Motion Picture Association of America, describing the extent of illegal duplication of films, videotapes, and their packaging (pp. 19-68).

F. Protecting the Artistic Rights of Filmmakers

Includes testimony by officials representing the Motion Picture Association and the Alliance of Motion Picture and Television Producers. The testimony opposes proposed moral rights protections for film-
makers and other creative contributors to motion pictures, and asserts the benefits of alterations in motion picture format in producing videotapes and the adequacy of the collective bargaining process in protecting moral rights. Milos Forman, representing the Directors Guild, and filmmaker George Stevens, argue that moral rights protections are needed, collective bargaining is inadequate, and that colorization and other alterations in motion pictures destroys their importance to our cultural heritage.

Recommends passage of H.R. 4262, an act to make U.S. copyright law compatible with Berne Convention for the Protection of Literary and Artistic Works, providing multilateral copyright protection for a variety of intellectual property forms, including motion pictures.

Hearing focuses on H.R. 2400, a bill to prohibit the alteration or colorization of a motion picture without the written consent of the principal director and screenwriter of the work. Witnesses include Arthur Hiller (director), Vincent Canby (critic), David Brown (producer), and Roger Mayer (CEO of Turner Entertainment Co.).

Recommends Senate advice and consent to ratification of the Berne Convention for the Protection of Literary and Artistic Works, providing multilateral copyright protection for a variety of intellectual property forms, including motion pictures and video recordings.

Recommends passage of S. 1301 to make U.S. copyright law compatible with the Berne Convention for the Protection of Literary and Artistic Works, providing multilateral copyright protection for a variety of intellectual property forms, including motion pictures and video recordings.


Examines issues involved in proposed U.S. adherence to the Berne Convention for the Protection of Literary and Artistic Works, providing multilateral copyright protection for a variety of intellectual property forms, including motion pictures and video recordings.

G. Miscellaneous

Considers S. 698, a bill to revise the system of licensing TV station broadcast of copyrighted music contained in the soundtrack of syndicated programs, motion pictures, and advertisements. It requires program producers or syndicators to acquire music rights from the composers or publishers (source license) and to convey all program rights in a package to TV stations.

Considers H.R. 3521, a bill to revise the system of licensing TV station broadcast of copyrighted music contained in the soundtrack of syndicated programs and motion pictures. It requires program producers or syndicators to acquire music rights for individual programs from the composers or publishers (source license) and to convey all program rights in a package to TV stations.

Considers S. 1980, a bill to revise the system for licensing TV station broadcast of copyrighted music contained in the soundtrack of syndicated programs motion pictures. It requires program producers or syndicators to acquire music rights for individual programs from the composers or publishers (source license) and to convey all program rights in a package to TV stations.
Examines drug and alcohol use depiction in feature films and the role of the motion picture industry in curbing drug and alcohol abuse among young people, including possible use of a moving rating category to indicate drug use depiction. Jack Valenti, president and CEO of the Motion Picture Association, explains the voluntary film rating system and expresses reservations about the use of a special film rating category to indicate drug use depiction.

Examines television and motion picture industry practices regarding portrayal of the elderly, including alleged underrepresentation and negative stereotyping.

V
Annotated Law Reports Annotations

Applicability of Sales or Use Taxes to Motion Pictures and Video Tapes, 10 A.L.R. 4TH 1209.

Apportionment and Computation of Profits for Which Copyright Infringer Is Liable, 2 A.L.R. 3D 121.
Includes: Disposition of particular receipts and expenditures relating to specific types of infringing works, books, motion pictures, miscellaneous (Sec. 6).

Constitutionality of Regulation of Obscene Motion Pictures, 22 L. Ed. 2D 949.

Exhibition of Obscene Motion Pictures as Nuisance, 50 A.L.R. 3D 969.

Federal Legal Problems Arising from Subscription Television or "Pay TV" Broadcast over the Air, 61 A.L.R. Fed. 809.

Immoral or Obscene Materials as Subject to Copyright Protection, 50 A.L.R. Fed. 805.
Liability for Injury or Death of Participant in Theatrical Performance or Spectacle, 67 A.L.R. 3D 451.
Includes discussion of cases involving injury or death during movie filming.

Literary and Artistic Rights for Purposes of, and Their Infringement by or in Connection with, Motion Pictures, Radio, and Television, 23 A.L.R. 2D 244.

Parody as Copyright Infringement or Fair Use Under Federal Copyright Act, 75 A.L.R. Fed. 822.

Processor's Right to Refuse to Process or Return Film or Video Tape of Obscene Subject, 18 A.L.R. 4TH 1326.

Rights and Remedies of Co-Owners of Copyright, 3 A.L.R. 3D 1301.


VI
Legal Periodical Articles

A. Antitrust


Lieberman, John K. *A Motion Picture Producer’s Standing to Recover Treble Damages From a Movie Distributor for Block Booking.* 14 Journal of the Beverly Hills Bar Association 185-196 (1980).


*Operation of the Consent Decree in the Motion Picture Industry.* 51 Yale Law Journal 1175-1195 (1942).

Phillips, Gerald F. *Block Booking—Perhaps Forgotten, Perhaps Misunderstood, but Still Illegal.* 6 Entertainment and Sports Lawyer 3-7 (Summer 1987).


*Restraints on Motion Picture Exhibition and the Antitrust Laws.* 33 Illinois Law Review 424-446 (1938).


B. Business Aspects of Motion Pictures

I. Financing and Production


Controversy in Film Contract Construction: Alperson v. Mirisch. 1 University of San Fernando Valley Law Review 87-94 (1967).


Dyke, William D. What Do Airplanes, Railroad Cars, Beef Cattle, Motion Pictures, Real Estate and Oil Wells All Have in Common? 48 Wisconsin Bar Bulletin 63-69 (June 1975).
BIBLIOGRAPHY


Lilliston, Bruce St. J. Financing Independent Films. 11 Los Angeles Lawyer 19-23 (May 1988).


Nochimson, David and Leon Brachman. *Contingent Compensation for Theatrical Motion Pictures.* 5 Entertainment and Sports Lawyer 3-6, 14-18 (Summer 1986).


Stout, John H. *Financing Motion Pictures Under Nonpublic and Limited Offering Exemptions from Federal Securities Laws.* 2 Entertainment and Sports Lawyer 1, 7-14 (Fall 1983).


Weiss, Robert G. and Alan G. Benjamin. *Feature Film Secured Financing: A Transactional Approach for Lender's Counsel.* 5 COMM/ENT,
BIBLIOGRAPHY


2. Distribution

Anderson, Martin G. State Regulation of Motion Picture Distributors. 3 Pace Law Review 107-133 (1982).


An Experiment in Preventive Antitrust: Judicial Regulation of the Motion Picture Exhibition Market Under the Paramount Decrees. 74 Yale Law Journal 1041-1112 (1965).


Phillips, Gerald F. The Recent Acquisition of Theatre Circuits by Major Distributors. 5 Entertainment and Sports Lawyer 1-2, 10-23 (Winter 1987).

Restraints on Motion Picture Exhibition and the Antitrust Laws. 33 Illinois Law Review 424-446 (1938).


3. Labor and Employment Issues


Jacobson, Marc. *Film Directors’ Agreements.* 64 Florida Bar Journal 76-77 (Apr. 1990). (Also published in 8 Entertainment and Sports Lawyer 7-9 (Spring 1990)).


Schiff, Gunther H. *At a Disadvantage—Independent Producers in Arbitration with the DGA and WGA*. 4 Entertainment and Sports Lawyer 7-8 (Summer 1985).


C. Censorship and Regulation of Motion Picture Content

1. In General


*Censorship of Motion Pictures*. 49 Yale Law Journal 87-113 (1939).


*The Legal Aspect of Motion Picture Censorship.* 44 Harvard Law Review 113-117 (1930).


2. Self-Censorship and Rating Systems


Reidinger, Paul. Rated X; Film Classifications Survive Challenge. 76 American Bar Association Journal 96 (Nov. 1990).

3. Violence in Motion Pictures


4. Adult Motion Picture Theaters


Theater License Fee Based on Film Content Violates Equal Protection and Free Speech Guarantees. 29 Mercer Law Review 335-339 (1977).


5. Propaganda and Political Censorship


Bullfrog Films, Inc. v. Wick: Can the Government Condition Filmmakers’ Access to Duty-Free Foreign Distribution Based on Ideology?


Two Courts Void USIA Documentary Regs; Agency Denials of Film Export Certificates Labeled ‘Censorship’ by Appeals Court. 12 News Media & the Law 23-24 (Summer 1988).


D. Copyright and Related Issues

1. Copyright


Bernstein, Irvin E. *The Motion Picture Distributor and the Copyright Law.* 2 Copyright Law Symposium 119-149 (1940).


Dreier, Thomas K. Copyright and Film: The Infringement of Copyrighted Works by Motion Picture. 6 Communications and the Law 33-54 (Dec. 1984).


A Famous Title Is Worth 1,000 Publicity Stunts: Does the Owner of the Motion Picture Copyright to 'The Amityville Horror' Own the Title? 10 Loyola Entertainment Law Journal 715-736 (1990).


Krasilovsky, M. William and Robert S. Meloni. Copyright Law as a Protection Against Improvidence: Renewals, Reversions and Terminations. 5 Communications and the Law 3-37 (Fall 1983).


BIBLIOGRAPHY

Rosen, Ronald S. Current Trends in Entertainment Litigation: The Insurance Empire Strikes Back. 1 Entertainment and Sports Lawyer 1, 3-5, 8 (Spring 1982).


Smith, Eric H. Should the Motion Picture Industry Support or Oppose U.S. Adherence to the Berne Convention? 6 Entertainment and Sports Lawyer 1, 10-20 (Fall 1987).


Sussman, Jerome J. Copyright Publication, the Motion Picture Distributor and the Copyright Revision Bill. 15 Bulletin of the Copyright Society 373-382 (1968).


2. Character Rights


Marks, Michael V. P. Legal Rights of Fictional Characters. 25 Copyright Law Symposium 35-92 (1980).


Simensky, Melvin. Protection of Character Rights. 3 Entertainment and Sports Lawyer 1, 10-23 (Spring 1985).


3. Title Rights


Anthony, Michelle and Richard Finkelstein. Protection Against the Unauthorized Use of the Title of a Song as the Title of a Motion Picture: The Doctrine of Unfair Competition in California and Under the Lanham Act. 1 Entertainment Law Journal 6-17 (Nov. 1981). (Also published in 1 Journal of Copyright, Entertainment and Sports Law 49-65 (1982)).


A Famous Title Is Worth 1,000 Publicity Stunts: Does the Owner of the Motion Picture Copyright to ‘The Amityville Horror’ Own the Title? 10 Loyola Entertainment Law Journal 715-736 (1990).

Mayer, Michael F. Motion Picture Title Searches. 4 Practical Lawyer 64-72 (Oct. 1958).
E. Protecting the Artistic and Personal Rights of Filmmakers (See Also “Colorization,” “Right of Publicity,” and “Screenwriters”)

1. In General


Dellaverson, John J. *The Director’s Right of Final Cut—How Final Is Final?* 7 Entertainment and Sports Lawyer 7-13 (June 1988).


2. **Screen Credit**


3. **Management**


4. **Compensation/Personal Tax Issues**


Dyke, William D. *What Do Airplanes, Railroad Cars, Beef Cattle, Motion Pictures, Real Estate and Oil Wells All Have in Common?* 48 Wisconsin Bar Bulletin 63-69 (June 1975).


Nochimson, David and Leon Brachman. *Contingent Compensation for Theatrical Motion Pictures.* 5 Entertainment and Sports Lawyer 3-6, 14-18 (Summer 1986).

Schaaf, David W. *Estate Planning for Entertainers.* 4 Communications and the Law 45 (1982).


F. Colorization


Colorization of Motion Pictures: Another View. 5 Entertainment and Sports Lawyer 3-6, 23-24 (Winter 1987).


A Film of a Different Color: Copyright and the Colorization of Black and White Films. 5 Cardozo Arts & Entertainment Law Journal 497-543 (1986).


G. Screenwriters


H. Right of Publicity (See Also “Docudramas”)


Coleman, Allison. *The Unauthorised Commercial Exploitation of the Names and Likenesses of Real Persons (A Comparison of British and


Manson, Deborah. The Television Docudrama and the Right of Publicity. 7 Communications and the Law 41-61 (Feb. 1985).

Marks, Kevin S. An Assessment of the Copyright Model in Right of Publicity Cases. 70 California Law Review 786-815 (1982).


I. Docudramas


Pilgrim, Tim A. Docudramas and False-Light Invasion of Privacy. 10 Communications and the Law 3-37 (June 1988).


J. Music and Motion Pictures

Anthony, Michelle and Richard Finkelstein. Protection Against the Unauthorized Use of the Title of a Song as the Title of a Motion Picture: The Doctrine of Unfair Competition in California and Under the Lanham Act. 1 Entertainment Law Journal 6-17 (Nov. 1981). (Also published in 1 Journal of Copyright, Entertainment and Sports Law 49-65 (1982)).


K. Taxation


Appel, Martin S. *Motion Picture Service Company: A Service to the Motion Picture Industry?* 27 Southern California Tax Institute 559-600 (1975).


Norris, Rick E. *Does the Cessation of Movie Revenue Trigger the Recapture of Investment Credit?* 64 Taxes 44-50 (Jan. 1986).


Williams, Harley. The Investment Tax Credit in Connection with Record Masters and Motion Pictures—The Only Game in Town. 52 Southern California Law Review 1121-1159 (1979).


L. Foreign and International Aspects of Filmmaking


Two Courts Void USIA Documentary Regs; Agency Denials of Film Export Certificates Labeled 'Censorship' by Appeals Court. 12 News Media & the Law 23-24 (Summer 1988).


M. Video Recording and Piracy


Chase, Carol A. Video Piracy; Federal Criminal Copyright Penalties. 9 Los Angeles Lawyer 10-13 (Apr. 1986).


N. Miscellaneous


