SUMMARY OF CONTENTS

Page

PREFACE v
TABLE OF CASES xix

Elipogue: Entertainment in International Trade **1**

PART 1. LEGAL RESTRAINTS ON ENTERTAINMENT STORIES

Chapter 1. Sex and Violence in Entertainment and the Law **10**
A. Entertainment and the First Amendment 13
B. Entertaining Sex 31
C. Entertaining Violence 83
D. Self Regulation by the Entertainment Industry 127

Chapter 2. Entertaining the Public With Individual Lives **143**
A. Defamation 146
B. Infliction of Emotional Distress 160
C. Privacy: Intrusion on Solitude 164
D. Public Disclosure of Embarrassing Private Facts 183
E. False Light Portrayals 194
F. Public Figures Under Defamation and Privacy Law 201

Chapter 3. Celebrity Publicity Rights **219**
A. Evolution and Nature of Publicity Rights 219
B. Publicity Rights and Entertainment Shows 233
C. Criminal Celebrities 254
D. Celebrity Publicity as a Marketing Vehicle 274
E. Who Owns Publicity and Its Value 300

PART 2. INTELLECTUAL PROPERTY IN ENTERTAINMENT ASSETS

Chapter 4. Elements of Copyright Protection **314**
A. Copyrightable Works 319
B. Infringement 334
C. Unprotectable Story Parts 365
D. Fair and Unfair Uses of Entertainment Works 377

Chapter 5. Entertainment Innovations and Intellectual Property **401**
A. Fair Use and Home Video 402
B. Fair Use on the Internet 417
C. Performance Rights in Songs 452
D. Digital Sampling and Imaging 460

Page

Chapter 5. Entertainment Innovations and Intellectual Property—Continued
E. Copyright Ownership 468
F. Copyright Licensing 480
G. Enforcing Copyright 495

Chapter 6. Alternative Sources of Entertainment Property Rights **505**
A. Artistic Credit 505
B. Moral Rights and Creator Control 518
C. Trademark Instead of Copyright 541
D. Contract Rights in Story Ideas 571

PART 3. CONTRACTUAL RELATIONS IN THE ENTERTAINMENT INDUSTRY

Chapter 7. Contract Formation and Duration **596**
A. Contract Formality: The Movie World 597
B. Definiteness 617
C. Consideration and Mutuality 622
D. Contract Parties: Minors 630
E. Duration 637
F. Bankruptcy 650

Chapter 8. Entertainment Contract Obligations **659**
A. Performer/Author Obligations 661
B. Studio–Publisher Obligations 679
C. Royalties and Profits 699

Chapter 9. Entertainment Contract Remedies and Liabilities **725**
A. Injunctive Enforcement of Personal Service Contracts 725
B. Damages for Contract Breach 745

Chapter 10. Entertainer Representation and Regulation **773**
A. State Regulation of Entertainer Representatives 780
B. Conflict of Interest in Entertainer Representation 800
C. Union Regulation of Entertainer Representation 822

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

Chapter 11. Performer Organization **834**
A. The Entertainer Labor Market 835
B. Labor Law in the Entertainment World 841
C. Labor Solidarity and Entertainment Hyphenates 850
D. Judicial Control of Entertainment Labor Power 855
E. Contingent Workers: Employees or Contractors 874
F. Performing Rights Societies 886
G. Antitrust Challenges to Performing Rights Societies 890

Page

Chapter 12. Entertainment Conglomerates Under Corporate and Antitrust Law **915**
A. Paramount and Corporate Takeover Law 917
B. Antitrust Law Reshapes the Movie Business 927
C. Post–*Paramount* Motion Picture Practices 948
D. Movie Industry Integration Revisited 963

Chapter 13. Entertainment in a New Telecommunications World **984**
A. Financial Interest and Syndication Rules 989
B. Broadcast Speech, Cable Distribution, and "Must Carry" 1004
C. Pursuing Diversity in the Broadcast Industry 1028
D. A New Spectrum for This New Millennium 1047

Prologue: Speech for Fun and Profit **1051**
INDEX 1065