

## ENTERTAINMENT AND MEDIA

### OVERVIEW

BCLP's Entertainment and Media Practice focuses on serving clients in film and television financing, production and distribution; and in television, radio and Web-based broadcasting. The group works with other BCLP practice areas, including technology and intellectual property, labor and employment, corporate finance and commercial litigation, in order to provide entertainment and media clients with full-service legal representation.

### ENTERTAINMENT AND MEDIA PRACTICE

BCLP offers a broad spectrum of legal services to companies and individuals throughout the entertainment and media industries. We provide domestic and international representation of producers and distributors of filmed entertainment (motion pictures and television) in all aspects of acquisition, financing, co-financing, production and distribution. We also represent television, cable, radio and satellite broadcasters of entertainment programming.

#### **Our clients include:**

- Motion picture and television studios;
- Independent producers of theatrical films, television programming, commercials and music videos;
- Distributors of filmed entertainment;
- Motion picture exhibitors;
- Individual producers and directors of filmed entertainment;
- Television, satellite, cable, Internet and radio broadcasters (including public broadcasters);
- New media technologies;
- Internet and Web-related entertainment and media companies.

#### **Our experience includes:**

- Formation of entities to engage in the entertainment business;

- Financing of entertainment companies;
- Recapitalizations, purchases and sales of companies in the entertainment industry;
- Negotiation of equity investments;
- Negotiation of credit facilities;
- Drafting and negotiating executive employment agreements and incentive compensation plans;
- Structuring strategic alliances, joint ventures and spin-offs;
- Project financings;
- IPOs;
- Public company compliance and SEC regulatory matters;
- Securities offerings;
- Labor, employment, union and guild issues;
- Intellectual property protection and litigation;
- Tax planning;
- Commercial litigation;
- Representation with respect to other regulatory matters.
- Defamation Litigation

For our clients who produce filmed entertainment, we provide:

- Representation of producers in all aspects of acquisition, production and distribution of motion pictures and television programming;
- Acquisition, licensing and protection of intellectual property rights;
- Representation regarding financing and co-financing of domestic and international motion picture and television projects;
- Representation with respect to film library and catalogue acquisitions;
- Counseling regarding completion bond and bank financing;

- Errors and omissions insurance counseling;
- Negotiation of production, financing and distribution agreements and sales agency agreements.

For our broadcast and media clients, we provide:

- Negotiation of the purchase and sale of cable systems, television and radio stations;
- Advice and counsel on compliance with FCC rules, regulation and policy;
- Negotiation of on-air talent agreements;
- Representation regarding syndication of programming;
- Day-to-day legal advice on programming, operations and employment issues.

## **RELATED PRACTICE AREAS**

- Business & Commercial Disputes
- Intellectual Property and Technology

## **EXPERIENCE**

- Representation of a leading Internet-based film production company on bank and equity financings;
- Sale of a large U.S. producer and distributor of television programming to a U.K. television broadcaster;
- Formation and project financing of major national theme parks;
- Joint venture of publicly held entertainment companies through exchange of equity securities;
- Acquisition of a filmed entertainment and television production company and a leading theater chain through prepackaged bankruptcy by a major independent integrated entertainment company;
- Public offering of securities of a major independent integrated entertainment company;
- Sale of a major independent integrated entertainment company to an international entertainment and media company;

- Acquisition of a series of entertainment-based toy manufacturers and distributors and the subsequent reorganization with a major publicly held toy and computer game company;
- Acquisition by a publicly held filmed entertainment producer and distributor of another publicly held entertainment company by means of a tender offer;
- Acquisition of a major concert and live venue entertainment company;
- Visual effects consulting services agreement for a post-production studio;
- International exclusive trademark license and distribution agreement for a sporting apparel company;
- Content and technology license agreement for an entertainment software company;
- Pre-litigation advice for a movie theater company regarding potential trade secret, trade dress and trademark infringement claims.

### **Representative Litigation:**

- Litigation counsel for rock-n-roll icon in contract and intellectual property dispute with band mates.
- Litigation counsel for major, international music and media company in matters related to copyright infringement, trademark infringement and breach of contract.
- Counsel in defense of copyright infringement claim asserted against legendary American rock artist from Minnesota.
- Counsel for classic American New Wave band in matters related to copyright reversion rights.
- Outside general counsel to new media company specializing in electronic/dance artists and run by Grammy-nominated songwriter/producer for platinum recording artists.
- Defense counsel to Grammy Award winning, American hip hop artists in series of high profile copyright infringement lawsuits relating to the group's international No. 1 hit songs
- Represented leading cosmetic retailer in suit brought by Sophia Loren and the estate of Marilyn Monroe in claim for misappropriation of name and likeness
- Represented major music publisher in cases involving, among other things, claims of copyright and breach of contract
- Counsel to major Web content publisher in defense of copyright actions involving alleged infringement of photographic images.

- Represented world-renown motion picture, television and theater entertainer in prosecution of claim for misappropriation of name and likeness arising out of internet advertising campaign
- Represented motion picture producer in defending copyright claim regarding feature film released by Lions Gate Entertainment
- Defense counsel to major television producer/director in connection with claim for infringement brought by popular music group, “The Black Keys”
- Represented major restaurant chain in defense of copyright infringement claim arising out of restaurant’s use in television commercial of Cuban folk song, “Guantanamera”
- Representation of studio artists, photographers, art dealers and gallery owners in a broad spectrum copyright issues including the Visual Artists Rights Act, moral rights, claims of infringement, licensing and the import/export of world renown works
- Defended trademark infringement action involving the Oscar in claim brought by Academy of Motion Picture Arts and Sciences against world's largest statuette manufacturer
- Southern California counsel for publicly traded, multi-national media conglomerate in issues related to outdoor advertising
- Counsel for international, Japanese based electronics company in contractual and technology patent related matters
- Defended national infomercial production company in claims for breach of contract, right of publicity, copyright infringement and trademark infringement
- Represented a motion picture producer in contract negotiations for purchase of movie and television rights to a Newberry Award winning novel

## RELATED INSIGHTS

Insights

Mar 28, 2022

### **Government breaks new ground with revised Online Safety Bill**

The latest version of the Online Safety Bill was introduced in the UK’s Parliament on 16 March 2022. It now begins the process of being scrutinised, amended and debated on but it is anticipated that this is the version that will ultimately be passed and made into law in the UK. What does this mean for the technology sector, especially those offering online user-to-user services and online search services in the UK, and abroad? If passed in its current form, the Bill will create what the UK government claims is a world-first online safety regulatory framework – backed up by sanctions, including heavy financial penalties and new criminal offences, marking a significant

change for certain online businesses. Senior managers will be handed responsibility for overseeing compliance with the regulator's requests for disclosure and subject to potential criminal sanctions, where they fall short, and the Bill will result i...

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