

In the Tenth Chapter, there is a discussion of a sports organization's name, logo, or symbol. The reader is introduced to the domain of trademark law and the protection that law affords to an organization for its identifiable image that is promoted by the sale of products, services, or merchandise.

Chapter Eleven examines athlete eligibility issues and how contact with agents can adversely affect the status of the athlete. Professional draft system and collective bargaining agreements are also reviewed.

The final chapters explore the legal principles involved in a drug-testing program and the respective policies and procedures of the NCAA, interscholastic organizations, and the United States Olympic Association. The book concludes with a chapter on antitrust, tax laws, and the prevalence of gambling on college athletics, which is estimated to be a \$1 billion a year industry.

Essentials of Amateur Sports Law, Second Edition, provides a readable, practical resource that covers a broad range of issues in easy-to-understand language. It would be a useful addition to the library of any sports administrator, lawyer, coach, or school board member.

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Law and Business of the Entertainment Industries (Third Edition)


BY DONALD E. BIEDERMAN, EDWARD P. PIERSON,
MARTIN E. SILFEN, JEANNE A. GLASSER,
ROBERT C. BERRY, AND LIONEL S. SOBEL
PRAEGER PUBLISHERS, WESTPORT, CT
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Reviewed by David M. Given

This book is exactly what it purports to be—a survey of each segment of the entertainment industry while demonstrating the increasing interdependence among its various parties. This is not a book geared specifically toward practitioners, but it does offer much valuable information to us. The two previous editions established *Law and Business of the Entertainment Industries* as the preeminent casebook in the area. The third edition continues that tradition. A particular-

ly solid aspect of the third edition is its coverage of music publishing. Biederman and his coauthors also offer outstanding coverage of most of the other major practice areas. The book is a major asset to practitioners who find they need entertainment law information outside their area of expertise, as it collects in one place most of the important caselaw in various fields.

The format of the third edition, organized far differently than the previous two editions, is divided into two main sections: part one addressing general principles, part two addressing specific industries.

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The index is detailed and contains an extensive table of cases. These features are very important in making a practical and informative book. The table of contents lists title chapters and their main subsections. While it would be nice to know at a glance that Section 2.1 on "Attorneys, Agents, Managers, and Business Managers" includes a segment on New York General Business Law and some of the California Labor Code, on balance these are minor organizational details that do not otherwise detract from making good use of the book as a resource. The organizational changes made by the authors only inure to the practitioner's benefit.

The Introduction should not be missed. Framed by a piece entitled "The Continuing Challenge of Change," the introduction discusses new trends and developments in the American marketplace and then investigates changes in the rest of the world and how they affect the way the entertainment business does business. This should be read in conjunction with Chapter Eleven on "Multimedia and Other Emerging Technologies." These sections act as a timely and helpful guide to emerging issues and problems in our industry.

At the end of the introduction is a small section on preliminary injunctions, summary judgments, and attachments. It is valuable for the student and anyone planning to enter entertainment law to understand why these provisional remedies are so important to the industry and how they can be used. For the experienced entertainment practitioner, the case references in the notes following this section are useful.

All of the chapters contain many subsections not listed in the table of contents. In Chapter One, the

"Acquisition of Rights," the subsections include "Personal Rights," "Idea Submission," and "Negotiated Acquisitions." Some of the highlights escaping the table of contents include various state statutory approaches to publicity, a good discussion of Lanham Act claims, and several cases analyzing trademarks. While the chapter is fairly case heavy, it does cover many of the basics of intellectual property.

"Dealing with Talent and Their Representatives," the subject of Chapter Two, is crucial to entertainment law practice and the avoidance of malpractice suits. The chapter includes, among other sections, a discussion of "Attorneys, Agents, Managers, and Business Managers." There are many lessons to be learned here, evidenced by the famous *Croce v. Kurmit* case, which is thoroughly and lucidly presented in the context of attorney representation. Equally informative is the section on "Talent Contracts," which offers observations on the often opposing demands between "art" and "commerce" and the various ways in which they are reconciled.

The remainder of Part One, and Chapters Three, Four, and Five cover "Delivery Standards," "Exploitation," and "Remedies." The chapter on "Exploitation" contains an interesting discussion on censorship. The chapter on "Remedies," in addition to illustrating the points made in the introduction, contains several British cases under a section entitled "The U.K. 'Restraint of Trade' Cases." This section is especially important in light of our shrinking world and English law's importance in the practice area.

Part Two contains seven chapters on specific industries: "Literary Publishing," "Music Publishing," "Sound Recording," "Films," "Television," "Multimedia and Other Emerging Technologies," and "Theatre." The subsections listed for these chapters are more useful to the practitioner than those in Part One. In addition, Part Two is less case heavy. Part Two relies upon the excellent business and legal analyses by the authors, who are experts in specific segments of the entertainment industry and how these segments work.

Chapters Six and Seven on literary and music publishing define different types of agreements and some

of their provisions. They provide a solid overview and introduction but are not overly detailed. Chapter Eight on "Sound Recordings" discusses various types of agreements, adding a detailed hypothetical so the reader can understand how some of these agreements work. Having these numbers on the page when wading through royalty calculations is useful. Chapter Eight includes a section on ownership of names, an important issue for those dealing with musical groups.

Chapters Nine and Ten discuss "Films" and "Television." Both chapters document changes in the two industries and problems specific to each. Chapter Ten takes the reader on an interesting and detailed journey into developments and dealmaking by the television industry. This chapter also discusses cable-related issues.

Chapter Twelve, the last chapter, is a practical guide to the world of theater. It is a quick way to become familiar with the contracts and problems of Broadway and the increasingly popular Off-Broadway productions.

Altogether, *Law and Business of the Entertainment Industries*, Third Edition, offers an organized text and strong coverage of most of the major areas of the entertainment field. According to several law students, in the first two editions, the book's editing of cases sometimes made the text difficult to read. The third edition, however, while still somewhat case heavy for the first half, is very readable; clarity should no longer be an issue. The practitioner should have no problems relating to the material in the text and will find the book's use of leading cases (mostly New York and California cases) on specialized topics useful as controlling or strongly persuasive authority on particular issues. It is an excellent idea to have a copy of this book handy when delving into areas one is not familiar with; beyond that, it is an invaluable guide to legal and business issues for all of us.

David M. Given is Editor of Entertainment & Sports Lawyer. He wishes to thank Gabrielle Holley and Heather Kane for their assistance in the preparation of this book review.

EDITOR'S COLUMN

(continued from page 2)

on the topic of funding for the arts). If this topic is of interest to you, and you think you could contribute to it, please contact me.

This year's Annual Meeting has the prospect of being one of the best Annual Meetings yet. Besides

the lineup of outstanding speakers, many social events are in the works, including trips to the major Nashville landmarks. On behalf of the Forum's Governing Committee, we hope all of you can attend, and look forward to seeing you there.

As always, we welcome your comments and suggestions.

—David M. Given