

GX 1834

**Ollscoil na hÉireann, Gallimh**  
**National University of Ireland, Galway**

**Semester II Examinations, 2002/2003**

<b>Exam Code(s)</b>	2BL1, 2BL2, 2CW1, 3BA1, 3BL1, 3BL2, 3CW1, 4BA4, 4BL2, 1EM1, 1OA1.
<b>Exams(s)</b>	2 <sup>nd</sup> 3 <sup>rd</sup> & 4 <sup>th</sup> LL.B 2 <sup>nd</sup> & 3 <sup>rd</sup> Bachelor of Civil Law 3 <sup>rd</sup> & 4 <sup>th</sup> Bachelor of Arts (Legal Science) Erasmus & Occasional
<b>Module Codes(s)</b>	LW393
<b>Module(s)</b>	Entertainment Law
<b>Paper No.</b>	1
<b>Repeat Paper __ Special Paper __</b>	
<b>External Examiner(s)</b>	Ms. Charlotte Waelde
<b>Internal Examiner(s)</b>	Ms. Marie McGonagle
<b><u>Instructions</u></b>	Answer <b>THREE</b> Questions Visiting student whose first language is not English may have an extra half hour and may use a dictionary. All questions carry equal marks
<b>Duration</b>	<b>TWO</b> Hours
<b>No. of AnswerBooks</b>	
<b><u>Requirements:</u></b>	
<b>Handout</b>	
<b>MCQ</b>	
<b>Statistical Tables</b>	
<b>Graph Paper</b>	
<b>Log Graph Paper</b>	
<b>Other Material</b>	
<b>Department(s)</b>	LAW

1. Answer EITHER a) OR b):

- a) It cannot be doubted that films are a significant medium for the communication of ideas. They may affect public attitudes and behaviour in a variety of ways, ranging from direct espousal of a political or social doctrine to the subtle shaping of thought, which characterizes all artistic expression. Discuss the legal response(s) to film content nationally and internationally.

OR

- b) Advertising has become a prominent feature of the broadcasting landscape. There is a danger now that broadcasting, particularly television, will be governed by commercial pressure. Critically assess the regulation of broadcast advertising in Ireland.
2. Barry and four friends, all of whom are Leaving Certificate students, have been playing in a band for a couple of years and have recently won a national talent competition. As a result, they have been offered a recording contract. The contract is for 6 months and 1 album, with options for 6 further albums. There is a re-recording restriction for 6 years. The company would have rights "throughout the universe" and, if the band were successful, none of the members could leave it until the company had exercised all its options. The company would decide when and what they would record, and how and when their work would be released and promoted. The company could terminate the contract at any time if the band was "not up to standard". Barry and his friends are very eager to try for stardom, but seek your advice as to any difficulties they might encounter with this contract. Advise them, referring to decided cases, where appropriate.
3. Mark has just finished a course in applied communications and wants to make a short film, based on, and largely a "send-up" of, a story written by a well-known author, who died in 1935. He wants to commission theme music from a local traditional musician, and also to include snatches of well-known songs in the background. He thinks he will be able to sell the film to television stations in Ireland and abroad. Mark seeks your advice as to the copyright implications, and his own rights, in particular the significance of "moral rights". Advise Mark.
4. Explain the role of the Broadcasting Commission of Ireland (BCI) under the Radio and Television Act 1988 and Broadcasting Act 2001, indicating, in particular, how the Commission fulfils its obligation to ensure pluralism and diversity.
5. Consider, by reference to legal rules and decided cases, where appropriate, the justification, if any, for each of the following:
- (i) a law banning the showing of violent dramas or films on television after 9 p.m.
  - (ii) a law banning the playing of sexually explicit or racist music on a national radio station aimed at young listeners
6. Explain the essential features and significance of ONE of the following in Entertainment Law:
- (i) The EC Television without Frontiers Directive
  - (ii) The scheme of film and video regulation and classification under the Censorship of Films Acts and the Video Recordings Act 1989
  - (iii) Public service broadcasting
  - (iv) The "fair use" exception in copyright law.

END