

SEMESTER 2 EXAMINATIONS - SUMMER 1998/99

LL.B. - SECOND & THIRD YEAR
BACHELOR OF ARTS (LEGAL SCIENCE) - THIRD YEAR
OCCASIONAL STUDENTS

ENTERTAINMENT LAW (LW393)

Mr. G. Whyte
Mrs. M. McGonagle

Time Allowed: **TWO** Hours. ERASMUS students have **2½** Hours and may use a dictionary.
Answer **THREE** questions only.
All questions carry equal marks.

1. Explain, by reference to decided cases, the significance of exclusivity clauses and the doctrine of restraint of trade in relation to contracts in the entertainment industry.
2. "These are exciting times for those involved in the copyright industry in Ireland. The country is witnessing an unprecedented boom in both music and film output, whilst legislatively the most significant revision to the Copyright Act for over thirty years is about to be undertaken." (Clark). Discuss, with particular reference to what you consider to be the **TWO** most crucial aspects of this revision.
3. Answer **EITHER** a) **OR** b):
 - a) Concerns with obscenity and pornography have meant that protection of artistic expression has remained only vague and undeveloped. Discuss, with particular reference to cases such as Otto-Preminger v Austria, Wingrove v U.K., or the Red Hot Television case.

OR

- b) "Advertising is the greatest art form of the twentieth century." (Marshall McLuhan). Nonetheless, the law appears to be concerned primarily with the content of advertising - that it should not be false or misleading - rather than with the art form, except perhaps in the case of television advertising, in which case it is concerned with the immediacy of the medium and the potential harm. Discuss, with particular reference to the regulation of television advertising in Ireland.
4. Explain the system for control and classification of video recordings contained in the Video Recordings Act 1989, and assess its applicability to multi-media and other computer products, such as video games.

PTO

New broadcasting legislation is intended to overhaul the structures of broadcasting in Ireland in preparation for the introduction of digital terrestrial television. Part of the restructuring includes the development of a new regulatory authority which will encompass the present roles of the Independent Radio and Television Commission (IRTC) and the Broadcasting Complaints' Commission (BCC). Explain the origins and current roles of those two bodies and what you regard as their strengths and weaknesses, that may need to be taken into account in the new legislation.

Answer any **TWO** of the following:

i) Explain the U.S. Supreme Court's views in relation to parody, as seen in Campbell v Acuff-Rose Music Inc. 114 S.Ct.(1994).

ii) Explain briefly the significance of the decision of the ECJ in the Magill television listings case.

iii) Outline, and consider the application in Ireland, of **EITHER** the main provisions of the E.C. Satellite and Cable Directive **OR** the main changes effected by the E.C. Copyright Duration Directive.

iv) Explain the reasoning and decision of the court in any **ONE** of the following cases: Gormley v EMI Records Ltd. (Supreme Court 1998); the Phil Collins case; the George Michael case.

v) Explain briefly the key tests applied by the courts to determine issues related to "sampling".