

MUSIC LAW
LAW 216
Spring 2025

PROFESSOR SEAN O'CONNOR

Room 418 Hazel Hall
soconn3@gmu.edu

COURSE SCHEDULE/MEETING TIMES/TYPE: This course meets Wednesdays from 13:50 – 15:50 in Room

OFFICE HOURS: Wednesdays 10:00 – 12:00 and by appointment.

REQUIRED TEXTS:

- Readings from the forthcoming Oxford Handbook on Music Law & Policy, and other materials, will be available in the Canvas course site

COURSE OVERVIEW/DESCRIPTION: This course covers the broad range of legal issues at play in the music ecosystem—broadly construed as the chain of composition, performance, recording, distribution, and playback. Music recording and playback devices have often been at the forefront of each stage of media technology and so the course covers not only copyright issues, but also patents, other IP, and contract issues. The course will cover both policy considerations as well as practical skills aspects of representing different players in the ecosystem.

Prerequisites: None

LEARNING OUTCOMES: By the end of this semester students should be able to:

- Understand and apply the major areas of substantive law that govern various aspects of the music ecosystem
- Understand and have familiarity with the technologies and deal structures that undergird the music ecosystem
- Argue policy considerations in the tension among the different players within the music ecosystem as well as between the music industry and creators, on the one hand, and new technologies such as AI, on the other

BASIS OF EVALUATION & ASSESSMENTS

- Copyright registration 20%;
- MLC Project 20%;
- Band Member Contract 20%;

- Midterm Quiz 20%;
- Final Quiz 20%

EMAIL COMMUNICATION: Students must use their Mason email account to receive important University information, including communications related to this class. This is especially important for security and confidentiality of client information. I will not respond to messages sent from or send messages to a non-Mason email address.

ATTENDANCE: Regular and punctual attendance are required to earn academic credit. Attendance requirements for academic credit will follow the policies set forth in Academic Regulation 4-1. Should circumstances occur where you anticipate the possibility of missing a substantial number of class sessions (e.g. a serious illness), you should immediately contact the Assistant Dean, Student Academic Affairs. I will take attendance at each session by visually checking for you. **N.B.** Per Academic Regulation 4-1.1, “A student who is not present for at least seventy-five percent (75%) of a session of the course is absent from that session.”

CLASS RECORDINGS PROHIBITED: Pursuant to Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device or camera. Any exceptions to this policy must be expressly permitted in writing by me. However, I have authorized the Law School’s official recording of all sessions solely for purposes of accommodating excused absences, e.g., for COVID-19 related issues.

USE OF ANY GENERATIVE ARTIFICIAL INTELLIGENCE STRICTLY PROHIBITED: Generative artificial intelligence (GAI) is a type of artificial intelligence that uses algorithms to generate new content, such as text or images, based on the data it has been trained on. For purposes of this regulation, GAI is not intended to encompass legal research databases and word processing applications that, while incorporating AI-based elements or enhancements, do not generate novel text. The use of GAI in drafting or writing coursework, including in writing *or preparing to write* midterms and exams, is strictly prohibited. *Any violation of the foregoing will be considered academic dishonesty involving cheating in violation of Section 1.01.1 and/or 1.01.5 of the Honor Code, and violators may be subject to the disciplinary sanctions set forth in Section 3.01 of the Honor Code.* Law School instructors and administrators reserve the right to use AI detection software to find instances of GAI in student submissions.

COVID-19 INSTRUCTIONAL CONTINGENCY PLAN: This course is currently scheduled to be taught in person. It would only move to a virtual online format at the mandatory direction of the University or Law School. If I become incapacitated, the Dean’s Office will determine a suitable replacement instructor.

COVID-19 HEALTH & SAFETY REQUIREMENTS: Please note that under current University health and safety protocols, face coverings and social distancing are required for all persons on campus. Please refer to the most up-to-date University policies [here](#).

ACADEMIC INTEGRITY: It is expected that students adhere to the Antonin Scalia Law School Honor Code. The Honor Code prohibits lying, cheating, or stealing. This includes a student obligation to never represent the work of another as their own, and to never provide or accept unauthorized assistance on

any school related assignment. The Honor Code is available here:
https://www.law.gmu.edu/academics/academic_standards.

CLASSROOM ACCOMMODATIONS: Disability Services at George Mason University is committed to providing equitable access to learning opportunities for all students by upholding laws that ensure equal treatment of people with disabilities. If you are seeking accommodations for this class, please visit <http://ds.gmu.edu/> for detailed information about the Disabilities Registration Process. Faculty may not receive or respond to requests for an accommodation. All requests must be handled by the office of Disability Services. You may contact Disability Services directly via email at ods@gmu.edu or phone at (703) 993-2474. If you have any questions about how in-class or testing accommodations are implemented at the law school, please contact the Assistant Dean, Student Academic Affairs for more information.

ADDITIONAL SCHOOL POLICIES AND RESOURCES:

STUDENT HONOR CODE - [Click Here](#)

ACADEMIC REGULATIONS - [Click Here](#)

UNIVERSITY LIFE: University Life provides student support resources such as **Counseling and Psychological Services** (<https://caps.gmu.edu/>), **Student Health Services** (<https://shs.gmu.edu/>), and the **Student Support and Advocacy Center** (<https://ssac.gmu.edu/>). For more information about University Life on the Arlington Campus, please visit: <https://ularlington.gmu.edu/>

SCHEDULE of class meetings

- 1/22: What is a “Music Ecosystem?”; copyright primer; brief history of music and music law
Readings: *Copyright and the Music Marketplace* Part II.A; Statute of Anne; 1790 Copyright Act; *Bach v. Longman*; Copyright Act of 1831; Act of Jan 6, 1897; *Symbiotic History of Music Copyright and Media Technology Innovation* (O’Connor)
- 1/29: Scope of music composition copyrights and registration issues
Readings: *A Musical Work is a Set of Instructions*; *Music as a Matter of Law*; *Brief Amicus for Institute for IP and Social Justice*; *Williams v Gaye*; *Skidmore v. Led Zeppelin*; *Griffin v. Sheeran*
- 2/5 Sound recording copyrights and registration; sampling; sound-alike recordings and publicity rights
Readings: *Federal Copyright Protection for pre-1972 Sound Recordings* Ch. II; *Bridgeport Music v Dimension Films*; *VMG Salsoul v. Madonna*; *Midler v. Ford Motor Company*; *Waits v. Frito Lay*
Copyright registrations assigned and due Tuesday 2/11 by 5:00 p.m.
- 2/12: Contractual relations and social justice: work made for hire; assignments; and termination rights
Readings: 360 Recording Artist Agreement; Form Producer Agreement; *Morricone v. Bixio Music Group*; *Intellectual Property Social Justice in the Folk Music and Traditional Cultural Expression Context* (Jamar & Mtima); Brauneis article; KJ Greene article
- 2/19: Recording, mixing, (re)mastering, reproduction, and distribution of sound recordings (recording demo)

Readings: Review [Harry Fox mechanical licensing website](#); AMP Act (§§ 301-303 in MMA); *ABS v. CBS*; *Standardised Identifiers and Electronic Data Interchange Rules for Music* (Serona Elton); *Resale Markets for Digital Music* (Perzanowski)

MLC Project assigned and DUE Tues. 3/4 by 5:00 p.m.

2/26: The complex web of licensing

Readings: *Copyright and the Music Marketplace* Parts II.B-D, III, Appendix D (licensing and rate setting charts); BMI/ASCAP consent decrees; Copyright Act 17 U.S.C. §§ 112, 114, 115; *Music Licensing in the Digital Streaming Era* (Priest); *Synch Licenses* (Rosario-Richardson & Simson); Synch License Form

3/5: The working musician: challenges of making money and getting health/life benefits

Readings: *Contemporary Musician Income Streams* (Kristelia Garcia); *Accounting for Injustice* (Arewa & Stahl); *Blockchain and the Disintermediation of Music* (Evans)

3/12: No class – spring break

3/19: Branding and trademark issues for composers and performers

Readings: *First Amendment, Trademarks and “The Slants”* (Simon Tam); *Marking Music* (Joe Fishman); *Tell the Truth* (Jake Linford)

Take Home Quiz assigned and DUE Tues 3/23 by 5:00 p.m.

3/26: Live performance issues and venue arrangements

Readings: *Soul’d Out v. Anschutz* First Amended Complaint and Opinion and Order (Coachella radius clause case); Music Cities article/report; Save our Stages bill; *New Music Booking and Management Models* (Tam)

4/2: Artist management and the new role for record labels

Readings: *Growing the Grassroots: Reforming Talent Agent Legislation to Promote the Rights and Interests of Grassroots Artists* (Biggers); *Same Heart. New Beat* (Larry Miller); 360 Recording Artist Agreement; Form Producer Agreement

Band member contract assigned and DUE Tues 4/8 by 5:00 p.m.

4/9: Legal issues for instrument, recording gear, playback device, and distribution platforms

Readings: *Patented Electric Guitar Pickups and the Creation of Modern Music Genres* (O’Connor); *Writing Technology/Inventing Music* (Durand)

4/16: Music ecosystem legal issues around the globe

Readings: *Contractual Relationships Among Artists, Record Companies, and Artist Management Companies in Japan* (Ando); *The New Music Ecosystem and Antitrust Concerns in China* (Jing); *Artists in Korea* (Jong); *The Personality Nexus: Moral Rights in Music Law and Policy* (Zhu)

4/23: Pushing the boundaries: new instruments, platforms, and artificial intelligence

Readings: *Authorship in the Age of Machine Learning and Artificial Intelligence* (Deltorn & Macrez); demo AI apps

Final Take Home Quiz assigned and DUE Tues. 4/29 by 5:00 p.m.