

THE MEDIA AND
ENTERTAINMENT
LAW REVIEW

FOURTH EDITION

Editor
Benjamin E Marks

THE LAWREVIEWS

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PREFACE

I am pleased to serve as the editor and United States chapter author of this important survey work on the evolving state of the law around the world as affects the day-to-day operations of the media and entertainment industries.

The year 2022 has seen important developments for the media and entertainment industries as countries around the world emerge from the devastating effects of the covid-19 pandemic. Live concerts and music festivals have returned, and ticket sales are on pace to exceed pre-pandemic levels. Although digital music streaming flourished even during the pandemic, it too is surging as performing artists are again able to promote new releases with concert tours.

The movie industry continues to transition to a model in which digital platforms supplant movie theatres as the primary means of attracting viewers for the vast majority of movies, and there has never been a wider array of audiovisual content available for consumption at competitive market prices.

Conditions for press freedom in the United States have improved with the change in presidential administrations and, in late October, the US Department of Justice announced formal changes to its news media guidelines that, for the first time, expressly prohibit federal prosecutors from using subpoenas or other investigative tools against journalists who possess and publish classified information obtained in newsgathering, with only narrow exceptions. The media and entertainment industries, however, continue to face significant challenges. We continue to see increasing threats to press freedom by repressive government regimes and a rise in politically motivated violence directed at journalists.

Around the world, businesses, governments and legal regimes continue to respond to technological change, with the increased use of artificial intelligence and 'deep fakes' just a couple of examples at the forefront that both threaten the value of intellectual property rights and tread on important personal privacy interests.

This timely survey work provides important insights into the ongoing effects of the digital revolution and evolving (and sometimes contrasting) responses to challenges both in applying existing intellectual property laws to digital distribution and in developing legislative and regulatory responses that draw an appropriate balance between commercial interests and consumer protection needs. It should be understood to serve not as an encyclopaedic resource covering the broad and often complex legal landscape affecting the media and entertainment industries but rather as a current snapshot of developments and country trends that are likely to be of greatest interest to the practitioner.

Each of the contributors is a subject field expert and their efforts here are gratefully acknowledged. Each has used their best judgement as to the topics to highlight, recognising

that space constraints required some selectivity. As will be plain to the reader, aspects of this legal terrain, particularly those relating to the legal and regulatory treatment of digital commerce, remain in flux, with many open issues that call for future clarification.

This work is designed to serve as a brief topical overview, not as the definitive or last word on the subject. You or your legal counsel properly should continue to serve that function.

Benjamin E Marks

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