

Law and Media Relations in the Arts

Course code: HUM 360/560

Semester and year: Spring 2021

Day and time: Wednesdays, 18:30 – 21:15

Instructor: Dr Massimiliano Pastore, MA, attorney-at-law; Martina Freitagová, BA, MA

Instructor contact: massimiliano.pastore@aauni.edu

Consultation hours: Wednesdays, 18:30 – 21:15

Credits US/ECTS	3/6	Level	Intermediate
Length	15 weeks	Pre-requisite	TOEFL iBT 71 TOEFL iBT 80
Contact hours	42 hours	Course type	Bachelor Master Elective

1. Course Description

The course aims at providing an insight of legal issues in arts and media management. Students will learn about artists' rights such as copyright, moral rights, and the right of re-sale. They will be led to explore court cases revolving around copyright infringement, freedom of expression and its limitations, the management of media, exclusivity rights and licensing. Furthermore, students will be given the basic framework for communicating with the press, online communications and various marketing strategies in the arts.

2. Student Learning Outcomes

Upon completion of this course, students should be able to:

- Understand the legal notions of intellectual property rights
- Review contracts involving artists and cultural organizations
- Gain a working knowledge of the most significant legal issues surrounding arts
- Understand media relations, online communication and marketing strategies in the arts

3. Reading Material

Required Materials

- Judith B. Prowda, *Visual Arts and the Law* (London: Lund Humphries, 2013)
ISBN: 9781848220867

(This is the main textbook for the course.)

- Kotler, N.G., P. Kotler, & W.I. Kotler., *Museum marketing and strategy: Designing missions, building audiences, generating revenue and resources* (2nd ed.). San Francisco, CA: Jossey-Bass, 2008.

Recommended Materials

- Bently, Sherman, *Intellectual Property Law*, (Oxford: OUP Oxford, 2014) ISBN-10: 0199645558

4. Teaching methodology

Every week, the lecturer will cover the topic for the unit in question, after reviewing and consolidate the content from the previous week through quizzes and examples. The lecturers will engage in a continuous dialogue with students, inviting comparisons and suggestions across the class. As the course progresses into the second and third area of topics, case studies, presentation and teamwork will become regular components of the class.

5. Course Schedule

Date	Class Agenda
Feb 10	<p>Topic: Introduction. Principles of copyright law applied to arts.</p> <p>Description: Who owns the arts? What makes art protectable? Right to reproduce, distribute, perform, display. Joint works.</p> <p>Reading: Textbook Part One Chapter # 3</p> <p>Assignments/deadlines: Textbook readings.</p>
Feb 17	<p>Topic: Copyright infringement.</p> <p>Description: When is art 'substantially similar'? Which defenses can be raised against copyright infringement?</p> <p>Reading: Textbook Part One Chapter # 4</p> <p>Assignments/deadlines: Textbook readings. In-class quiz.</p>
Feb 24	<p>Topic: Moral rights: disclosure, withdraw from publication, authorship, integrity.</p> <p>Description: What can and cannot do with art: artists decide when work is finished, when it can be modified, withdrawn or removed from publication. The right to be recognized as the author.</p> <p>Reading: Textbook Part One Chapter # 5</p> <p>Assignments/deadlines: Textbook readings.</p>
Mar 3	<p>Topic: The EU artist's right of resale (<i>droit de suite</i>). The music copyright.</p> <p>Description: When and where are artists entitled to a royalty on resale? When is music 'copied'. Types of royalties.</p> <p>Reading: Textbook Part One Chapter # 6</p> <p>Assignments/deadlines: Readings. Presentation of a copyright infringement case.</p>

Mar 10	<p>Topic: The license agreement. Principles of property and contract law.</p> <p>Description: What is a license? What is an exclusivity clause? What are the most important provisions artists and organizations should be aware of? How can contractual rights be enforced?</p> <p>Reading: Will be supplied by the lecturer.</p> <p>Assignments/deadlines: Textbook readings</p>
Mar 17	<p>Topic: The artist-dealer relationship. Principles of contract law.</p> <p>Description: What are the most common types of contracts between artists and dealers? Which commissions are usual in such contracts?</p> <p>Reading: Textbook Part Two Chapter # 8</p> <p>Assignments/deadlines: Textbook readings. Presentation of copyright national legislation (music, film or other visual arts).</p>
Mar 24	<p>Topic: Freedom of expression and its limits.</p> <p>Description: What are the legal liabilities of artists? Obscenity laws, flag desecration and other offences related to art.</p> <p>Reading: Textbook Part Two Chapter #1, #2</p> <p>Assignments/deadlines: Textbook readings.</p>
Mar 31	Consolidation, Midterm Examination
Apr 7	Mid-term break
Apr 14 (Freitag ová)	<p>Topic: Media relations</p> <p>Description: Effective communication with the press. Media partnerships. How to organize a press conference? How to write a press release?</p> <p>Reading: Runyard, S. and French, Y., <i>Marketing & Public Relations Handbook for Museums, Galleries & Heritage Attractions</i> (chosen chapters given by the lecturer in advance)</p> <p>Assignments/deadlines: Writing a press release on a chosen topic (exhibition, concert, art event) and presentation of a media strategy</p>
Apr 21 (Freitag ová)	<p>Topic: Online communications</p> <p>Description: Various digital platforms and their use for the arts. What is the role of social media in the arts?</p> <p>Reading: https://soundcloud.com/artscouncilengland/digital-r-d-for-the-arts</p> <p>Assignments/deadlines: short paper on pros and cons of social media in the arts with examples of specific social media strategies</p>

April 28 (Freitag ová)	<p>Topic: Branding in the arts Description: What is the role of branding for the arts? Developing a logo and visual identity for an art institution.</p> <ol style="list-style-type: none"> Reading: Case studies for discussions Michael Wolff on Branding: (https://www.youtube.com/watch?v=oq5V4sK1Oqw) The new MET logo: (https://www.underconsideration.com/brandnew/archives/new_logo_and_identity_for_the_met_by_wolff_olins.php) <p>Assignments/deadlines: Part 1: Proposal for rebranding a chosen art institution. Part 2: Presentation of the proposal and discussing projects of fellow students.</p>
May 5 (Freitag ová)	<p>Topic: Marketing Management I. Description: What are the marketing strategies in the arts? How do these strategies differ in the commercial and non-commercial arts sector?</p> <ol style="list-style-type: none"> Reading: Rentschler, R. and Hede, A. M. <i>Museum Marketing: Competing in the</i> <i>Global Marketplace</i>; O'Reilly, D. and Kerrigan, F., <i>Marketing the Arts: A Fresh</i> <i>Approach</i> (chosen chapters given by the lecturer in advance) <p>Assignments/deadlines: Part 1: Creating a marketing mix for a museum/gallery. Part 2: Presentation of the proposal and discussing projects of fellow students.</p>
May 12	Consolidation
May 19	Final Exam

6. Course Requirements and Assessment (with estimated workloads)

Assignment	Workload (average)	Weight in Final Grade	Evaluated Course Specific Learning Outcomes	Evaluated Institutional Learning Outcomes*
Attendance and Class Participation	42	15%	Answer short quizzes at the beginning of each class. Promote further discussion and analysis. Share your knowledge.	2, 3
Presentations	24	20%	Besides general presentation skills, demonstrate your ability to identify the legal issues involved in the case. Share your personal opinion with the audience.	1, 2, 3

Mid-term test	40	30%	Multiple choice quiz on key definitions, case discussion.	1, 2, 3
Final Exam	44	35%	Case discussion.	1, 2, 3
TOTAL	150	100%		

*1 = Critical Thinking; 2 = Effective Communication; 3 = Effective and Responsible Action

7. Detailed description of the assignments

Participation. Active participation to class is encouraged. Your grade will be based on how often you will raise relevant questions and share the knowledge with your classmates. Occasionally, the instructor will run short quizzes, too.

Presentations. Each student will make presentations on legal cases selected by the instructor. Students are expected to summarize facts and decisions, with a view to provoke discussion in class. They will also face questions from other students. The instructor will ask the student to give his personal opinion about the case. The assignment will be graded based on the accuracy of the information presented, the depth of the analysis and the general presentation skills.

Assessed area	Percentage
Terminology. In this course, words matter. A poor choice of words may result in a lower grade.	40%
Facts. If you do not get the facts straight, you will be unable to understand why the case is relevant, not to mention the reasons for the court decision.	45%
Presentation skills. Legal cases can be complex and long. Good presentations skills are vital to keep the attention of the audience. Stress the tension of the case by underlining the position of the two sides (why each of them thinks he or she is right?)	25%

Mid-term test. This is a closed-book test consisting of a quiz on the definitions and an initial examination of the students' ability to apply legal knowledge to the facts of hypothetical cases. There is only one correct answer to each question in the first part of this test. The second part consists of "discuss" questions. The test will be administered in class.

Assessed area	Percentage
Terminology. In this course, words matter. A poor choice of words may result in a lower grade.	40%
Accuracy. Memorize the important definitions and make sure you are able to provide 2-3 accurate examples for each definition. Review the cases supplied in order to strengthen your knowledge.	35%
Legal analysis. In law, there are no easy 'right or wrong' answers. The accuracy of the answer largely depends on your ability to understand the	25%

facts, discern the legal issues involved and link back to the definitions you have learned from the textbook. These are legal skills that the instructor will effort to impart throughout the course.	
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Final test. This is an in-class, open book examination. Students are expected to select and discuss 3 cases from a choice of 5-6. These cases will resemble those discussed in class (presentations included). Each case may require the student to give an advisory answer (“discuss”) or a decision.

Assessed area	Percentage
Accuracy. Memorize the important definitions and make sure you are able to provide 2-3 accurate examples for each definition. Review the cases supplied in order to strengthen your knowledge.	65%
Legal analysis. In law, there are no easy ‘right or wrong’ answers. The accuracy of the answer largely depends on your ability to understand the facts, discern the legal issues involved and link back to the definitions you have learned from the textbook. These are legal skills that the instructor will effort to impart throughout the course.	35%

9.

1. General Requirements and School Policies

General requirements

All coursework is governed by AAU’s academic rules. Students are expected to be familiar with the academic rules in the Academic Codex and Student Handbook and to maintain the highest standards of honesty and academic integrity in their work.

Electronic communication and submission

The university and instructors shall only use students’ university email address for communication, with additional communication via NEO LMS or Microsoft Teams.

Students sending e-mail to an instructor shall clearly state the course code and the topic in the subject heading, for example, “COM101-1 Mid-term Exam. Question”.

All electronic submissions are through NEO LMS. No substantial pieces of writing (especially take-home exams and essays) can be submitted outside of NEO LMS.

Attendance

Attendance, i.e., presence in class in real-time, is expected and encouraged. However, the requirement that students miss not more than 35% of real-time classes is temporarily suspended due to the COVID-19 pandemic.

Absence excuse and make-up options

Should a student be absent from classes for relevant reasons (illness, serious family matters), s/he can submit to the Dean of Students an Absence Excuse Request Form supplemented with documents providing reasons for the absence. These must be submitted within one week of the absence. If possible, it is recommended the instructor be informed of the absence in advance. Should a student be absent during the add/drop period due to a change in registration this will be an excused absence if s/he submits an Absence Excuse Request Form along with the finalized add/drop form.

Students whose absence has been excused by the Dean of Students are entitled to make up assignments and exams provided their nature allows. Assignments missed due to unexcused absences which cannot be made up, may result in a decreased or failing grade as specified in the syllabus.

Students are responsible for contacting their instructor within one week of the date the absence was excused to arrange for make-up options.

Late work: *No late submissions will be accepted – please follow the deadlines.*

Electronic devices

Electronic devices (e.g. phones, tablets, laptops) may be used only for class-related activities (taking notes, looking up related information, etc.). Any other use will result in the student being marked absent and/or being expelled from the class. No electronic devices may be used during tests or exams unless required by the exam format and the instructor.

Eating *is not allowed during classes.*

Cheating and disruptive behavior

If a student engages in disruptive conduct unsuitable for a classroom environment, the instructor may require the student to withdraw from the room for the duration of the class and shall report the behavior to the Dean.

Students engaging in behavior which is suggestive of cheating will, at a minimum, be warned. In the case of continued misconduct, the exam or assignment will be failed and the student will be expelled from the exam or class.

Plagiarism and Academic Tutoring Center

Plagiarism is “the unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one’s own original work.” (Random House Unabridged Dictionary, 2nd Edition, Random House, New York, 1993)

Turnitin’s White Paper ‘The Plagiarism Spectrum’ (available at <http://go.turnitin.com/paper/plagiarism-spectrum>) identifies 10 types of plagiarism ordered from most to least severe:

1. CLONE: An act of submitting another’s work, word-for-word, as one’s own.
2. CTRL-C: A written piece that contains significant portions of text from a single source without alterations.
3. FIND–REPLACE: The act of changing key words and phrases but retaining the essential content of the source in a paper.
4. REMIX: An act of paraphrasing from other sources and making the content fit together seamlessly.
5. RECYCLE: The act of borrowing generously from one’s own previous work without citation; To self-plagiarize.
6. HYBRID: The act of combining perfectly cited sources with copied passages – without citation – in one paper.
7. MASHUP: A paper that represents a mix of copied material from several different sources without proper citation.
8. 404 ERROR: A written piece that includes citations to non-existent or inaccurate information about sources
9. AGGREGATOR: The “Aggregator” includes proper citation, but the paper contains almost no original work.
10. RE-TWEET: This paper includes proper citation, but relies too closely on the text’s original wording and/or structure.

At minimum, plagiarism from types 1 through 8 will result in a failing grade for the assignment and shall be reported to the Dean. The Dean may initiate a disciplinary procedure pursuant to the Academic

Codex. Allegations of bought papers and intentional or consistent plagiarism always entail disciplinary hearing and may result in expulsion from AAU.

If unsure about technical aspects of writing, students are encouraged to consult with the tutors of the AAU Academic Tutoring Center. For more information and/or to book a tutor, please contact the ATC at: <http://atc.simplybook.me/sheduler/manage/event/1/>.

Course accessibility and inclusion

Students with disabilities are asked to contact the Dean of Students as soon as possible to discuss reasonable accommodations. Academic accommodations are not retroactive.

Students who will be absent from course activities due to religious holidays may seek reasonable accommodations by contacting the Dean of Students in writing within the first two weeks of the term. All requests must include specific dates for which the student requests accommodations.

8. Grading Scale

Letter Grade	Percentage*	Description
A	95 – 100	Excellent performance. The student has shown originality and displayed an exceptional grasp of the material and a deep analytical understanding of the subject.
A–	90 – 94	
B+	87 – 89	Good performance. The student has mastered the material, understands the subject well and has shown some originality of thought and/or considerable effort.
B	83 – 86	
B–	80 – 82	
C+	77 – 79	Fair performance. The student has acquired an acceptable understanding of the material and essential subject matter of the course, but has not succeeded in translating this understanding into consistently creative or original work.
C	73 – 76	
C–	70 – 72	
D+	65 – 69	Poor. The student has shown some understanding of the material and subject matter covered during the course. The student’s work, however, has not shown enough effort or understanding to allow for a passing grade in School Required Courses. It does qualify as a passing mark for the General College Courses and Electives.
D	60 – 64	
F	0 – 59	Fail. The student has not succeeded in mastering the subject matter covered in the course.

* Decimals should be rounded to the nearest whole number.

Prepared by and when:

Massimiliano Pastore, Martina Freitagová, February 8, 2021

Approved by and when: Alzbeta Klatova, Feb 9, 2021