

MIDWINTER MEETING 2024

JANUARY 26-28, 2024

Detailed Agenda – Session 3

Behind the Scenes: Copyright and the Future of Entertainment Rights Deals

January 27, 2024 | 12:00 PM – 1:00 PM PST

In an age brimming with content, IP holders—from authors to toy companies to game developers—are finding new avenues to maximize the value of their copyrights. On the buyer side, studios, networks, and streamers are molding their strategies to shape and keep pace with an ever-evolving industry. Join us as we unravel the trends and future of entertainment rights deals, including how this all plays out in the negotiation and drafting of grants of rights, reserved rights, and merchandising clauses.

Speakers:

- Jonathan Anshell
Executive Vice President, Chief Legal Officer and Secretary | Mattel
- Angela Cheng Caplan
President and CEO | Cheng Caplan Company, Inc
- Caroline Ryon
Senior Corporate Counsel | Amazon MGM Studios
- Jaia Thomas
Founder and CEO, Attorney | Diverse Representation

I. Introduction

5 minutes

- Moderator introduces speakers, provides a high-level roadmap of the program, and explains the session's focus on the treatment of rights in motion picture and television rights acquisition agreements involving existing intellectual property.

II. Foundational Copyright Principles

10 minutes

- Infinite Divisibility of Copyright
- Exclusive Rights of Copyright
- Licenses and Transfers
- Termination of Transfers

Supporting Materials:

- [17 U.S.C. §§ 106, 201, 203](#)
- Excerpts from [H.R. Rep. 94-1476](#) (pp. 61-65; 123-124, 124-128)

III. Treatment of Rights in Film/TV Acquisition Agreements

15 minutes

- Grant of Rights + Rights Definitions
- Reserved Rights
- Reversion of Rights
- Merchandising Rights
- Frozen Rights and Holdbacks
- Approvals
- Subsequent Productions

Supporting Materials:

- [Forms and Samples of Motion Picture & TV License Agreements](#)
- [Excerpts from Entertainment Law: Legal Concepts and Business Practices:](#)
 - Nature of Entertainment Law and the Entertainment Industry
 - Divisibility of copyright ownership
 - Exclusive licenses
 - Grant of rights

IV. Special Considerations for Existing and Established Intellectual Property

15 Minutes

- Underlying Properties: Books, Toys, Video Games, Etc.
- Rise and Role of Franchises
- Characters, Worlds & Universes

Supporting Materials:

- Joseph P. Fishman, [Derivable Works](#), 67 UCLA L. Rev. 122 (2020)
- Ben Lindbergh, [How Hollywood \(Finally\) Figured Out Video Game Adaptations](#), The Ringer (Aug 18, 2023)

V. The Future of Rights Deals: Developments, Trends and Predictions

15 minutes

- Impact of Streamers
- Golden Age of Television
- Social Media, Podcasting, and New Media
- Consolidation
- Generative AI + Entertainment Licensing

Supporting Materials:

- Peter Dekom, *The Evolution of Film and Television Upside: But Where Are We Now and Where Are We Likely to Go?*, Ent. & Sports Law., Winter 2022
- Lacey Rose & Lesley Goldberg, [Why Hollywood Is in the Throes of an IP Frenzy, The Hollywood Report](#) (Oct. 25, 2023)
- Elizabeth Wagmeister, [Mattel Execs on Next Hollywood Moves: 'Barney,' 'Polly Pocket' and 'Barbie' Sequels](#), Variety (July 26, 2023)