

UCLA ENTERTAINMENT LAW REVIEW

Volume 4

Issue 2

Spring 1997

ARTICLES

Order in the Court: An Evaluation of Copyrights on Videotaped Coverage of Trial Proceedings

Sandra J. Garcia 143

Using the recent O.J. Simpson criminal trial as a background, the author discusses the issue of copyright protection for news photography. She asserts that the test for determining whether a photograph is eligible for copyright protection is not whether the photograph's subject matter is hard or soft news or whether the photograph is accessible to the public, but rather whether the camera operator has satisfied copyright's statutory requirements, particularly the "originality" requirement. Based on this analysis, the author argues that videotaped recordings of trial proceedings should be eligible for full copyright protection. The author extends the argument further by contending that once Los Angeles County has copyrighted the videotaped proceedings, the County could then use a blanket licensing fee system to make the videotapes readily available to the media.

The Irrelevant V-Chip: An Alternate Theory of TV and Violence

Peter Johnson 185

With its passage of the Telecommunications Act of 1996, Congress established a two-prong attack on TV violence which was to grant greater parental control over their childrens' television viewing in order to curb violent or aggressive behavior in children. The law assumes that viewing violent television programming causes violent or aggressive behavior. In this Article, the author discusses the studies which led to the formation of this hypothesis, and surprisingly, also led to the primary attack upon the hypothesis. Moving away from both camps, he offers a third view which explains the behavior as a result of the antisocial nature of television viewing itself, rather than stemming from the violent content of the programming. The

author recognizes that Congress might thus be found to have a compelling governmental interest in restricting the *amount* of television children are allowed to watch. However, he concludes that as television becomes more *interactive*, and thus more social, the nexus between television viewing and violence will resolve itself.

COMMENTS

Pregnancy Discrimination in Show Business: *Tylo v. Spelling Entertainment Group*

Diane Klein 219

Actress Hunter Tylo, hired to play the part of a sexy adulteress on the evening television drama, “Melrose Place,” was fired before she had acted in one scene, due to the fact that she became pregnant. Although the entertainment industry has long assumed the legality of firing an actor for a material change in appearance, the law is not settled whether the temporary and particular changes of pregnancy justify a woman’s termination from a job in which her looks are a Bona Fide Employment Qualification. This Comment discusses possible protection provided by the case law and also by the Pregnancy Discrimination Act. Additionally, the author discusses the bases underlying the opinions/prejudice of modern society in the widespread view that a pregnant woman is not “sexy” and a pregnant actress would be unconvincing playing the part of a seductive adulteress.

Holy Case of Copyright Infringement, Batman!

Aielleen Fajardo 263

In the opening scene of *Batman Forever*, the picture sweeps across the street level surroundings of a building and then moves upward to the top of the structure where a kidnapping is taking place. Andrew Leicester, claiming that the scene infringed on his copyright in a work of art at the base of the building, sued Warner Brothers over these few seconds of film footage. In this Comment, the author first presents a brief history of United States copyright law, and then explains the legal elements which Leicester must prove for his claim of copyright infringement. Assuming for the purposes of this Comment that the claim is valid, she tracks the possible defenses which Warner Brothers might use on its behalf: the fair use doctrine, the work for hire doctrine, a transfer of ownership and implied license argument, and a public domain argument. The last part of the Comment presents a policy oriented, common-sense argument in defense of Warner Brothers and discusses the possible slippery slope effect should Leicester prevail.