

Keeping It Honest: Transparency and Legal Issues in the Entertainment Industry

IAEL 2019

Editors

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Publisher

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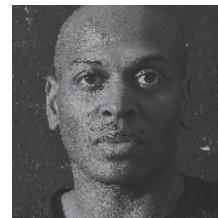


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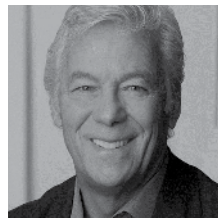


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Introduction

Message from the President: Jeff Liebenson



It is my honor to be President of the IAEL. Throughout the years we have tried to ensure our topics are relevant and interesting to all of our members. Given the politics of 2019, this year's topic is most relevant: Transparency.

The subject and its development belongs to our three editors, Dina LaPolt, Jessie Winkler and Lindsay Arrington.

In these difficult times, it is inspiring that we can talk, write and read about subjects that include concepts such as our shared values, transparency and working together from so many points of view around the world to support our work, our industry and thereby each other!

I thank Dina who is editing an IAEL book for the second time and is always such a strong supporter of our organization. It has been a joy to work with and get to know Jessie and Lindsay. I suspect this is only the beginning of the conversation and I congratulate our editors for raising these complex issues.

I also thank Duncan Calow and Marcel Bunders for always being there to address the challenges that inevitably arise each year.

I am proud to be the leader of this great organization which values, supports and celebrates who we are, where we are from and our passion to serve this great creative industry.

We hope this book furthers that spirit, our 34th annual book published by the IAEL, *Keeping It Honest—Transparency and Legal Issues in the Entertainment Industry*.

Editors' Introduction:

Jessie Winkler, Lindsay Arrington & Dina LaPolt



We pride ourselves on being transparent in all aspects of our business. What you see is what you get! As primarily artist representatives, we are passionate about protecting our clients and believe that ensuring they understand the many facets of their personal business is critical. When an artist is empowered with knowledge, they are able to cultivate a career that is not only rewarding monetarily, but also fulfilling on a personal level as they take ownership of each step of their unique career trajectory. This belief in part comes from our own journey as women, where we've each learned the value and importance of empowering other women both professionally and personally. As representatives, it is up to us to give our clients the tools they need to accomplish their goals. As lawyers specifically, we are often the hub between artist management, business management, and agent, and as such we are often the most equipped to take on the great responsibility of empowering and educating our clients.



Transparency is a hot topic right now, and this book was directly inspired by real time events and issues we have run into over the past year in our own practice. Now more than ever it is crucial that we see into and understand the depths of the entertainment business, as the amount of data and content continues to grow exponentially. Since the entertainment space has almost fully moved away from a product-based business, it is our duty as professional representatives to have a deep and comprehensive understanding of this new, vast digital landscape.

Although the industry has changed drastically, one simple fact remains: it all starts with a creative work. And each of those works starts with a creator. Transparency in

the creator's world is just as important as when looking at lines of data. If there is no transparency in the creator's world, there can be no transparency in their business; and if there's no transparency in the creator's business, then there can be no vibrant, healthy entertainment industry. So, as is the case with the initial creation of the work, fostering and maintaining open communication between creators as they navigate their business is the first step to achieving this goal.

Around these creative works, an entire thriving business has been built. Although creativity is the foundation on which we have built our careers, we face the same issues as any other business - from taxes and auditing to best employment practices. In 2017, the #MeToo movement swept the United States, starting in entertainment, and has since affected industries across the globe. As an industry we have grappled with how to effectively address the issues that sparked this movement and move forward, while making a concerted effort to see and hear survivors and validate them in their experiences. Inequality and lack of diversity in the workplace are not new issues, but they are issues that no longer will be swept under the proverbial rug. It is our responsibility to do the work and implement the policies to create a more inclusive, diverse entertainment community going forward.

As we've noted before, every year the data backing our business grows larger and larger. Where in the past an entire album may only have had a few thousand lines of data associated with it, now a single song could be connected to millions. With this growth comes new challenges, but also opportunities. Never before have we seen the transparency in data reporting that we do now. With just a few clicks of the mouse, an artist can access their personal song performance metrics, royalty analyses, and comprehensive statement breakdowns—all being updated in real time. With a multitude of digital services providing endless content to consumers around the globe, clarity into each link in the distribution chain is now more important than ever.

Data is the conduit on which our business generates revenue in the digital age, and as such we must be able to understand and account for each and every

stream of income. The complex world of royalty collection varies territory by territory and media by media. While an American artist must worry primarily about SoundExchange, global artists must be concerned with neighbouring rights, which are collected according to different practices in each country.

With the rise of online media and audiovisual streaming quickly eclipsing the traditional broadcasting model, new rights are being implicated and new streams of income are becoming available to creators worldwide. While high profile creators may have the resources to effectively track and collect such revenue, it can be a much more difficult task for the independent or developing creator. Equipping these independent creators with the information necessary to understand how they are being paid and how to collect those monies is key to the continued growth of their business and the entertainment business as a whole.

If entertainment professionals around the world can work together to put an emphasis on transparency, communication, and education in our daily practices, we will see our industry flourish into a truly sustainable global community. This journey starts in the creator's world and builds through the business as a whole – from the creation of the work, to honest business practices, to administration of data, and finally to the collection of revenue following exploitation of the work. We have the responsibility as representatives to implement these values and systems and to ensure we stay on the path to a more transparent, robust, diverse and inclusive entertainment industry for generations to come.

Each of the contributors to this book brings a unique outlook on the issues discussed and on the entertainment industry generally. Hailing from all corners of the world, including the United Kingdom, France, Italy, The Netherlands, Hong Kong, Brazil, Switzerland, Australia, Canada, and the United States, we truly have a global perspective. Many precious hours were spent by these impressive contributors to create a book that we hope is informative, interesting, and speaks to a variety of present-day issues facing our colleagues around the world.

Special thanks to Jeff Liebenson, President of the IAEL, for your guidance and support – we couldn't have done this without you! Your open-mindedness and trusting nature allowed us to dig in to complex issues and explore our own creativity, and for that we are grateful. Thank you to our LPL family for your insight and comradery as we navigated this process. And finally, thank you to our readers and the IAEL community for taking the time to read this book that we are very proud of – we hope you enjoy!

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