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### Entertainment Law Circular

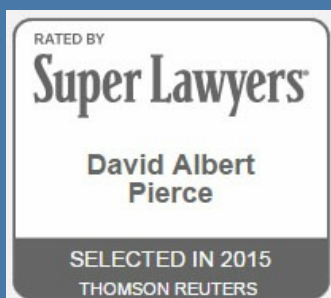
July 2017

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Accorded the Highest  
Recognition by  
Industry & Peers



### PLG LLP Stands Up for Comedians



Pierce Law Group LLP is off to Montreal for the **Just for Laughs Festival** and the annual ComedyPro industry gathering **July 26th to 29th!** We are particularly proud of our client **Jesus Trejo** who was selected to perform in this year's Variety's Top 10 Comics to Watch! We are equally proud of client **Jeremiah Watkins** who will be performing his regular Comedy Store show, "Stand-Up on the Spot with Jeremiah Watkins & Surprise Guests," which was named to GQ's list of the "5 Funniest Nights in America."

Pierce Law Group LLP is proud to be a Just For Laughs sponsor. If you are headed to Montreal, [contact us](#) so we can connect while you are there.

### A Quick Look at Terms Obtained by SAG-AFTRA Under New CBA with Producers

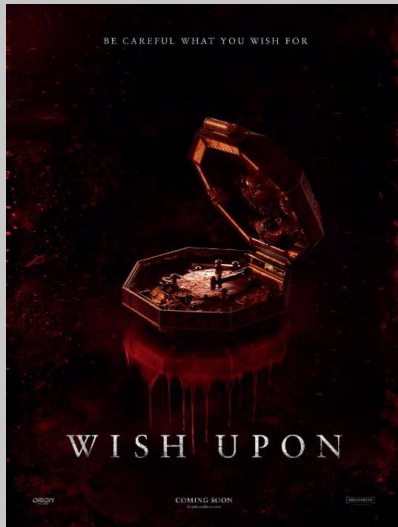
In the early hours of July 4th, SAG-AFTRA sent a press release to its members regarding the contract under negotiation with the AMPTP. Some of the highlights of the tentative





Membership limited to attorneys who've won million dollar verdicts & settlements

## New in Theaters



*Wish Upon*, produced by our client **BroadGreen Pictures**, will be released in theaters on **July 16**. The horror film stars Joey King, Ryan Phillippe, Ki Hong Lee, and Sherilyn Fenn.

## Upcoming Seminars



On Wednesday, July 12th from noon to 2 pm, the BHBA Entertainment Law Section is hosting a panel entitled **The Business & Legal Reality of Virtual Reality** where the panel will discuss business and legal issues relating to virtual reality and augmented

\$256 million, 3-year agreement commencing July 1, 2017 and expiring June 30, 2020 are:

- Overall wage increases of 2.5 percent in the first year, 3 percent in the second year and 3 percent in the third year, with a double-time requirement for all background actors after 10 hours of work.
- Employer contributions to the SAG Pension Plan and AFTRA Retirement Fund will increase 0.5 percent in the first year of the agreement, raising the total contribution rate to 17.5 percent, and funding for the SAG-AFTRA industry cooperative fund (which supports on-set animal safety monitoring, safety training, and sexual harassment prevention training) will increase 0.2 percent.
- Increased residual rates for SVOD (subscription video-on-demand) programming, money and schedule breaks, and advertiser-supported streaming residuals, as well as the first-ever residual compensation for foreign use. Initial residual payments will now be due after 90 days rather than one year.
- Expanding the "diverse" category of the casting data report by recognizing Middle Eastern North African as a diverse category.

To read the full details of the SAG-AFTRA press release, [click here](#). If you have any questions about your deal negotiations under the new SAG-AFTRA deal, please contact Tony Hanna, Esq. at (310) 274-9191 to set up a consultation.

## Legal Developments: Supreme Court Eliminates Prohibition on "Disparaging" Trademarks

By Daniel B. Lifschitz, Esq.

For many years, 15 U.S.C. § 1052(a) prevented the registration of any federal trademark that "may disparage ... persons, living or dead, institutions, beliefs, or national symbols." While trademark practitioners and courts have long debated the metes and bounds of this prohibition on "disparaging" marks, the United States Supreme Court just drastically simplified the issue in *Matal v. Tam*, striking down the prohibition as a violation of the First Amendment.



This is particularly significant and will directly impact other cases, such as the USPTO's attempt to invalidate the Washington Redskins billion-dollar trademark interest in its "Redskins" word mark and logo.

In *Tam*, an Asian-American plaintiff had attempted to obtain a federal trademark on the name of his band "The Slants," which he chose "in order to 'reclaim' the term

reality. For more information, [click here](#).

David Albert Pierce serves as the Secretary and incoming Vice Chairman of the BHBA Entertainment Law Section.

On Tuesday, July 18th from noon to 2:00pm, the BHBA's IP, Internet, & New Media Section is hosting a panel called **The Fair Use of Fandom**, where the panel will discuss the recent litigation surrounding fan-film and fan-art. [Click here](#) for more info.

PLG-LLP's Vera Golsker serves on the planning committee of the BHBA's IP, Internet, & New Media Section.

### PLG LLP Laughs!



On July 14th at 10:00pm, PLG LLP's very own Ben Kuerschner's *Your TPT Late-Night Show Tonight* has its monthly performance at the **Pack Theater!** Every show has a different host, different guests, performers, and writing staff selected from the Pack Theater Community, named the Best Comedy Venue in LA by *LA Weekly*.

### Comedy for Charity

and drain its denigrating force as a derogatory term for Asian persons." When the registration was denied based upon § 1052(a), Tam took the matter all the way to the Supreme Court.

In a unanimous opinion, the Supreme Court held that § 1052(a) "offends a bedrock First Amendment principle" - that "[s]peech may not be banned on the ground that it expresses ideas that offend." Citing the inherent dangers of government picking winners and losers in the marketplace of ideas, the Court pushes back at the idea that trademarks, governing commerce, are meaningfully less expressive than copyrights, and thus any less worthy of being protected against censorship of ideas: "It is true that the necessary brevity of trademarks limits what they can say," the Court writes. "But powerful messages can sometimes be conveyed in just a few words." Moreover, "[t]he commercial market is well stocked with merchandise that disparages prominent figures and groups, and the line between commercial and non-commercial speech is not always clear, as this case illustrates." Thus, the Court warns that, "[i]f affixing the commercial label permits the suppression of any speech that may lead to political or social 'volatility,' free speech would be endangered."

To read more about the Supreme Court's decision on disparaging trademarks, follow [this link](#).

### DAP Travels Back to His Days When the Socratic Method Rendered Him the Attorney He Is Today



Reading Room of the Cornell Law Library

In early June, DAP attended his class reunion at **Cornell Law School** in Ithaca, New York. With a graduating class of just shy of 200 individuals, this incredibly successful group of legal minds and generous hearts raised over **\$7 Million Dollars** in honor of their Class of '92. The photo may not convey it, but these are some pretty powerful guys and gals pictured above.

ANTI-DEFAMATION LEAGUE'S

**ADL**

Summer Comedy Soiree

**IAN BRAGG**  
BEST LATE COMEDY TALENT  
COMEDY CENTRAL PRESENTS SPECIAL

**BRUCE FINE**  
MASTER OF CEREMONIES  
TONIGHT SHOW, PRODUCER FOR MARIE HEARTY SHOW

**JEFF GARLIN**  
THE UNDISCOVERED  
COST YOUR ENTHUSIASM

**WENDY LIEBMAN**  
MEXICO'S MOST TALENTED  
THE TONIGHT SHOW, TALENTING JIMMY FALLON

**CHRIS SPENCER**  
CO-EXECUTIVE PRODUCER, HIT'S REAL HUSBANDS OF HOLLYWOOD  
SHOWING COMEDY SPECIALS

SPECIAL PERFORMANCE BY  
**KOSHA DILLZ**  
JEWISH AMERICAN KATIE

THE COMEDY STORE • 8433 SUNSET BOULEVARD  
THURSDAY, JULY 27  
7:30 DOORS OPEN • 8:00PM START

[CLICK HERE TO RSVP](#)

ADLSUMMERCOMEDYEVENING.COM

TICKET PRICING: \$50 • \$75 AT DOOR • \$100 & TICKETS AND PREMIER SEATING  
\*18 & OVER AND 2 DRINKS MINIMUM\*

FOR MORE INFORMATION, PLEASE CONTACT (310) 446-4260 OR [INFO@ADL.ORG](mailto:info@adl.org)  
SPECIAL THANK YOU TO OUR LEAD SPONSOR MARTY SAEVIN.

David Albert Pierce is proud to serve on the planning committee for the Anti-Defamation League's comedy show fundraiser, the Summer Comedy Soiree to be held at the world famous Comedy Store on Thursday, July 27 at 8pm.

Tickets are \$50 and proceeds benefit the ADL's fight against discrimination. Tickets can be purchased [here](#).

The line up includes comedians Bruce Fine, Ian Bragg, Wendy Liebman, Chris Spencer, Kosha Dillz, and Jeff Garlin with other surprise menches.



Also while in the Upstate NY area, DAP visited Buffalo, New York where he and Buffalo Niagara Film Commissioner Tim Clarke toured the waterfront's collection of Navy ships as part of a location scout for a PLG client's upcoming film. Stay tuned for more information.



After the location scout, Tim took David to The Seabar, home of Beef On Weck Sushi! Extra thin filet mignon tartar in a sushi roll covered with horsey sauce and real kimmelweck seeds, which was beyond delicious. DAP now awaits the creation of a chicken wing sushi roll.

### About Pierce Law Group LLP

Pierce Law Group LLP is a full service, boutique entertainment law firm that provides both transactional and litigation legal services. Our practice areas include entertainment law, intellectual property (copyright, trademarks, right of publicity), film finance, securities law, production counsel, and labor & employment issues affecting the entertainment industry, with an emphasis on film, television, and new media. We represent production companies and other creative businesses as well as artists including producers, actors, writers, directors, comedians, and other entrepreneurs.

Our client list includes both Academy Award and Emmy Award winners. We utilize an academic and analytic legal approach to accomplish creative solutions to our clients' goals.

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