

# PIERCE LAW GROUP LLP

Who the Independents depend on  
*Film • TV • New Media*

Entertainment Law Circular  
January 2017

PierceLawGroupLLP.com

(310) 274-9191

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Recognition by  
Industry & Peers



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

We're Off to Park City, UT for  
Sundance & Slamdance!



Attorneys **David Albert Pierce**, **Vera Golosker**, and **Joshua Edwards** along with paralegal **Samantha Cohen** and client liaison **Tori Loubert** will be traveling to Park City for this year's **Sundance Film Festival** and **Slamdance Film Festival** January 19 - 25.

Pierce Law Group LLP has been a proud sponsor of Slamdance Film Festival since 1998 and serves as general counsel for this once upstart, but now well-established festival which cater to indies with an attitude.

On **January 20th - 25th**, the Pierce Law Group team will be conducting daily **Legal Workshops**

Congrats to our Client



Client Penelope Spheeris' cult classic film *Wayne's World* is celebrating its 25th anniversary! To celebrate, SpectiCast and Paramount Pictures are hosting a two-night theatrical event on February 7th and 8th featuring a videotaped discussion with Penelope and the cast. Tickets can be purchased [here](#).

Spheeris' documentary, *The Decline of Western Civilization*, was one of 25 films in 2016 to be added to the National Film Registry of the Library of Congress, which you can read about [here](#).

### Congrats to our Client The Comedy Jam Band on their Comedy Central Show!



DAP with Jay Golden of The Comedy

for Filmmakers from 10:00am to 11:30am in the Forum at the Treasure Mountain Inn. This year's topic is "How to Protect Yourself from Legal Chaos." This workshop is free and open to all, with free hot cocoa and cookies for those who stop by.

On January 22nd, we will present our annual "Fireside Chat" on specific legal issues of critical importance to filmmakers. The seminar will be held at 10:00am in the Alter Room at Treasure Mountain Inn. This too is a free event with hot cocoa andsnacks for those in attendance.

If you will be in Park City and would like to meet up with Pierce Law Group LLP or to inform us of other cool Festival events, please contact:  
Tori Loubert  
[plg-assist@piercellp.com](mailto:plg-assist@piercellp.com)

### Digital Fingerprints for Copyrighted Works: Understanding Copyright Management Information

By Samantha Cohen, Pierce Law Group LLP paralegal

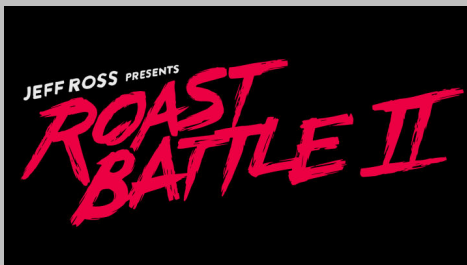
Copyright management information ("CMI") is defined as "information conveyed in connection with copies or phonorecords of a work or performances or displays of a work, including in digital form..." including title, notice of copyright information, author and copyright holder information, terms and conditions for use of the work, and other information relating to the copyright status of the work and protected by the Digital Millennium Copyright Act ("DMCA") (17 U.S. Code § 1202 (c)). CMI allows those looking to legitimately license your work to readily contact you, while placing potential infringers on notice of your rights. Subject to certain exclusions, CMI may not be removed, altered, or falsified if the CMI is conveyed with the copyrighted work.

In *Friedman v Live Nation* [9th Cir Opinion #14-55302, decided 8/18/2016], the 9th Circuit held that the district court should not have granted summary judgment to Live Nation when there was an inference that the copyright management information (CMI) of the plaintiff was removed or tampered with even though there was no evidence that Defendant Live Nation was the one that removed or tampered with the CMI.

[To read the full article and advice for clients regarding CMI, follow this link to our website.](#)

Our client, **The Comedy Jam Band**, have moved its live show from LA theaters to **Comedy Central!** The Comedy Jam, created by Josh Adam Meyers, features comedians performing a standup routine related to a song important to them and then the comedians sing that song, backed by the Comedy Jam Band quartet: **Jay Golden** (who also serves as the show's Music Director), **Joel Rutkowski**, **Nick Liberatore**, and **Randy Emata**. The first season premieres **March 2017**. To watch the special that aired this summer, [click here](#).

**Congratulations to our Clients on Comedy Central's "Road to Roast Battle III!"**



Comedy Central is gearing up for a second season of Roast Battle. Our client **Brian Moses**, who co-created the show with fellow Executive Producer **Jeff Ross**, will be hosting again this season.

Clients **Willie Hunter** and **Jeremiah Watkins** also return as series regulars as part of The Wave Comedy Troupe, which serve as the show's "jeer leaders." Clients **Jesus Trejo** and **Jay Light** competed in the LA round battle.

Episodes of *Roast Battle II* air Sunday nights at 11:00pm on Comedy Central and some episodes are available on [their website](#).

**Attorney Vera Golosker is Raising Funds for Habitat LA!**

If you are a producer interested in making a SAG-AFTRA low budget film or a new media project, you may be surprised to know that SAG-AFTRA offers free signatory workshops to help you understand the process. The low budget film and new media workshops, given at the SAG-AFTRA headquarters on Wilshire Blvd., are a good way for aspiring producers to get started. The workshops explain the new streamlined online signatory process, as well as the terms and conditions of the various low budget film agreements and the new media agreement.

Many new producers are unsure which SAG-AFTRA agreement best suits their project needs. If you are creating a dramatic or non-dramatic entertainment program for initial release on a new media platform, then the new media workshop is for you. If you are creating a dramatic program intended for an initial theatrical release, then one of the many low budget film contracts (depending on budget level) would be for you. The low budget film workshops are usually given on the **second Thursday of each month at 6:00 pm in the Cagney room**. The new media workshops are usually only given a few times a year, so it is best to check the [SAG-AFTRA](#) or [SAGindie](#) websites for details. Both workshops fill up fast so it is recommended to make online reservations to be assured a seat. An extensive question and answer session with a business representative who processes the signatory paperwork also takes place during these workshops. They are also an excellent networking opportunity for new producers.

**If you have questions about the SAG-AFTRA workshops please call Attorney Tony Hanna at (310) 274-9191.**

**In Memoriam:  
Richard "Mack" Machowicz**





Vera is part of team Caring Crew who are raising money for their **Habitat for Humanity** of the Greater Los Angeles Area (Habitat LA) build on Saturday, **February 25th**. Their fundraiser is part of Habitat's Build-a-Thon, which brings together Habitat AmeriCorps members and alumni, community volunteers, families, and other partners for week-long blitz builds. Money raised will go towards supplies to create the house. To learn more or donate, [click here](#).

### Come Support "Your TPT Late Show Tonight"

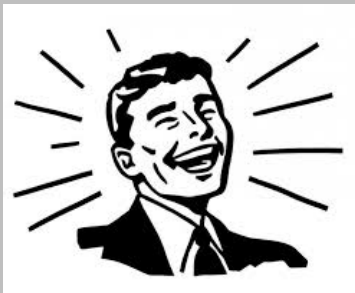
Our Billing Manager Ben Kuerschner is also a talented writer/performer. His next show is:

#### "Your TPT Late Night Show Tonight"

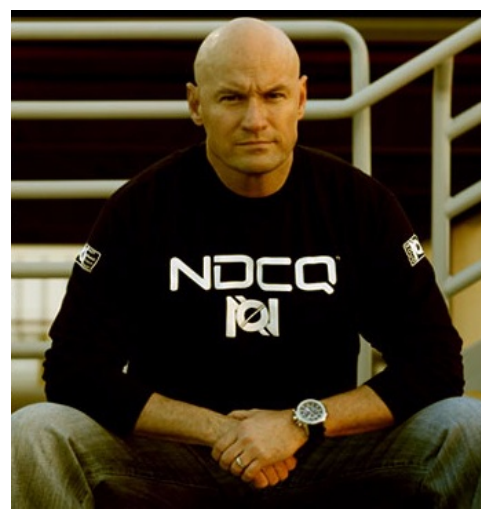
Date: Friday, February 10th

Time: 10:00pm

Where: The Pack Theater (6470 Santa Monica Blvd.)



Your TPT Late Night Show Tonight is late-night with a twist. Every show has a different host, different guests, performers, and writing staff selected from the Pack Theater Community, recently named the Best Comedy Venue in LA by LA Weekly.



On January 2nd, our client **Richard "Mack" Machowicz**, former Navy SEAL, lost his long, hard-fought battle with cancer. He was the host of *FutureWeapons* on The Discovery Channel, *Weapons That Changed the World* on The Military Channel, and *Deadliest Warrior* on Spike TV. He was also one of the onscreen experts in the acclaimed History Channel miniseries *America: The Story of US*

Mack's catchphrase was "Not Dead, Can't Quit" and Mack never quit. Our deepest condolences go out to his family and friends.

### Our Firm's LLS Fundraiser Continues



LEUKEMIA &  
LYMPHOMA  
SOCIETY®

**fighting blood cancers**

Thank you to everyone who has supported our ongoing fundraising campaign to support the Leukemia & Lymphoma Society!

So far, we've raised over \$14,000. If we raise \$50,000, an LLS Research Grant will be named in honor of Malcolm D. Pierce, David's father. Fundraising efforts will continue until June.

[Donations can be made via the PLG LLP's LLS Donation Page.](#)

### Upcoming Speaking Engagements

**Trademark Infringement Damages:  
Fundamentals and Case Law**

## Mazel Tov to Gabriel Fine on his Bar Mitzvah!



Pictured at the Bar Mitzvah after party are: Gabe Fine, his dad Comedian/TV Writer Bruce, and mom Shelby.

## Connect with Us On Social Media



 Forward to a Friend



On **January 24th**, attorney **Azita Mirzaian** will be a panelist on the American Bar Association webinar concerning the topic of **trademark infringement damages**. The webinar is part of the ABA's Young Lawyers Practical Tips Series. The program will begin with an overview of the various trademark infringement remedies available, then lead to the damage theories used by trademark owners, and how these damages are calculated.

The webinar will take place from **10:00am to 11:30am PST**. For more information and to register, [click here](#).

## Screenplay Wars: Rogue Justice?

**Beverly Hills Bar Association**

*Lead. Advocate. Serve.*

On **February 7th** from **noon to 2:00pm**, the Beverly Hills Bar Association Entertainment Law Section is presenting a program on the **current state of copyright infringement suits** with an analysis of recent cases concerning disputes over alleged screenplay thefts.

**David Albert Pierce** serves as the secretary of the BHBA Entertainment Law Section. For more information and to register, [click here](#).

## 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.

**DISCLAIMER**

The information you obtain in this new sletter is not, nor is it intended to be, legal advice. You should consult an attorney for advice regarding your individual situation. We invite you to contact us and welcome your calls, letters, and electronic mail. Contacting us does not create an attorney-client relationship. Please do not send any confidential information to us until such time as an attorney-client relationship has been established.