

EXPLORING THE INTERSECTION OF LAW AND ENTERTAINMENT INDUSTRY: THE IMPORTANCE OF TRANSFERRING LEGAL KNOWLEDGE IN THE FILM LICENSING PROCESS WITHIN THE TV INDUSTRY

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Abstract. The transfer of law knowledge is a crucial aspect of the legal profession and the administration of justice. It enables lawyers, judges, and other legal professionals to stay up to date on the latest developments and best practices in the field, and to continue learning and growing throughout their careers. It also helps to ensure that the legal system remains fair, effective, and responsive to the needs of society and business. It is crucial, especially when other subject fields and areas are examined. This article addresses the transfer of knowledge in the field of the television industry.

Keywords: linguistics, transfer of knowledge, law, film licensing, copyright law, tax law, contract law, legal system, license, employee training, television industry

INTRODUCTION

Why the knowledge of the law is so significant? It is essential for the continued growth and development of the legal profession. Lawyers and undergraduate students need to gain knowledge not only about the basics but also about the newest articles in the sphere. If the process of learning is hindered by the lack of fluency in communication, the results of these actions will be impaired. Numerous mistakes, emerged during the process of basic acquisition, will lead to misunderstanding of the law, conflicts between parties, and the need for court trials.

There are several ways in which law knowledge is transferred within the legal profession. One common method is through formal education, such as law schools or additional courses. These programs offer structured instruction on a wide range of legal topics and provide a foundation of knowledge that is essential for practicing law. It is a necessity for anyone who wants to begin a career as an attorney. Another way is through the mentorship of experienced attorneys. The wide range of knowledge and professional background, which the mentors have gained in years of business work, can help undergraduates provide guidance and support as they navigate through the challenges of the legal profession. Due to their mentors' exceptional experience, they can

provide valuable networking opportunities for their mentees, which can result in the creation of connections with key players in the world of famous lawyers. Attendees have access to the newest information about the changes in law. These events also provide an opportunity for legal professionals to network and exchange ideas with their peers. Participants can build strong contacts and widen their networking web. After all, the knowledge can be also transferred through the publication of legal scholarship. For this purpose, articles that analyze and interpret the law are listed. Books can be an invaluable resource for those who want to understand complex legal issues.

SPECIFICATION OF LAWS USED IN TV INDUSTRY

The transfer of law knowledge is used in many other fields. It places a crucial part in the realm of the TV industry. It is a fast-paced and ever-changing field that requires its employees to possess a diverse set of skills and knowledge. One important aspect of this field is the acquisition of legal knowledge, particularly in film licensing. It refers to the process by which a TV network or streaming service obtains the rights to show a specific movie or TV show. This process can be complex and requires a better understanding of copyright laws, intellectual property laws, and contract laws. This is a crucial part of the law, without which the TV industry cannot function effectively. The process of transferring knowledge about the law in this sphere ensures that all parties involved in the production and distribution of a film are aware of their legal rights and obligations. It is also a fundamental prevention of disputes and legal issues arising. The law in the film industry concerns a few fields, such as license/sublicensee agreements, licensors and licensees' rights, copyright rights, simulcast rights¹ and conditions, and VOD² rights.

Profound knowledge of the crucial laws, which state the license agreement is fundamental for the film and television industry. Every department has its understanding of license rights. While investigating the TV industry it can be concluded that every department is looking carefully only at a specific domain of law needed for their daily work. The clear demarcation of the entitlements and responsibilities directly impacts operations and business profitability. Here are some specific laws that these employees should be aware of:

Copyright Law: Employees in programming and licensing departments will need to be familiar with copyright law which protects original creative works such as movies, TV shows, and music. This law in a TV company includes advertisements. It determines who has the right to reproduce, distribute and publicly perform these activities. Employees need to understand how to obtain the necessary licenses and permissions. Concerning the parts of the movies, copyright law includes pictorial and graphic works, musical works, sounds recording, and literary works, which have their copyright and are protected separately. What is more, the copyrights on movies can vary from each other in connection with being

1 Simulcast rights refer to the rights to transmit a television or radio program live on multiple channels or platforms simultaneously. This allows a program to be broadcast on both television and online platforms at the same time, reaching a wider audience.

2 Video on Demand (VOD) rights refer to the legal permissions required to stream or download a movie, television show, or other video content through a VOD service. These rights can be complex and involve multiple parties, including the content creators, distributors, and VOD service providers.

aimed to be published in different forms of channels: Free-to-air TV³, Pay TV⁴, Cable and Satellite TV, and Video on Demand. All those positions are always listed in the licenses and thoroughly specified. Copyrights can be owned by the producer of the movie (licensor) or by the broadcaster (licensee). The rights, which the licensee buys, are discussed in an agreement and can include different rights, e.g.: the rights to display the movie on different channels, which owns the license; territory on which it can be distributed; translations and language versions in which the movie can be displayed and the right to produce new language versions.

Contract Law: Employees in all departments may need to be familiar with contract law, which governs the formation and enforcement of agreements between parties. This is particularly important in the licensing department, where employees may be responsible for negotiating and drafting contracts with content creators and other partners. This law concerns a contract agreement between two sides: the licensor and the licensee. The main points of the license are: licenced service, rights, basic terms and conditions, simulcast rights, territories, licenced languages and language versions, delivery network, terms of the agreement, pictures, and a list of all television series and films for selection which are available to the licensee, license period and availability date, runs⁵ and catch up⁶, license fee and payment terms, marketing and promotion terms, exhibition – sponsorship, security measures, delivered materials. Every license agreement should contain all the above-mentioned points.

Tax Law: Employees in the accounting department will need to be familiar with tax laws, which determine how business entities and individuals pay taxes on their income and assets. This includes laws related to income tax, sales tax and other types of taxes that may apply to the TV industry. “The section covers rules surrounding co-productions, partnerships, equity tracking shares, sales and leaseback, subsidiaries, and other tax-efficient structures” (KPMG, 2018). This field also includes the technical costs and provides that the licensee accepts technical specifications for the materials. The wide knowledge of this law is especially important while signing international agreements – the law can differ across borders. In the license, if it concerns a big payment, the total fee is usually split into a few payments, split, or appointed on specific dates.

Privacy Law: In today’s digital age data privacy is of significant concern for many businesses including those in the TV industry. Employees in all departments should be aware of privacy laws that apply to their work, such as laws related to the collection, use, and disclosure

3 Free-to-air television is television programming that is transmitted without any form of encryption, meaning that it can be received by anyone with the appropriate antenna and equipment. Free-to-air television channels are funded by advertising, and are therefore often supported by commercial sponsors.

4 Pay television, also known as subscription television or premium television, is a type of television programming that is transmitted by a cable, satellite, or other types of distribution systems and requires a subscription fee to be viewed. It is divided on Basic Pay TV and Premium Pay TV.

5 “Run” means one linear transmission of the Picture on the Licensed Service.

6 Catch-up TV, also known as catch-up service, is a type of streaming video on demand (SVOD) service that allows users to watch television shows and other programmes that have already been aired on television. Catch-up TV services are typically offered by television networks or other content providers and are available through a web browser or a mobile app.

of personal information. Looking closely at this point, the controller must search all the personal data and conclude written data while processing contracts. This information may be later transferred to the broadcaster.

RESULTS AND DISCUSSION

The abovementioned points play a crucial part in the film industry. Those laws should be known by the employees in every TV industry and TV entity. The lack of knowledge might cause misunderstanding of license agreements and possible infringements. The appropriate question to be stated here is: How to avoid such a situation? How the knowledge should be transferred?

One way to teach copyright law to a new employee is through training sessions or workshops. These can be conducted by in-house legal teams or brought in as external experts. During these sessions, employees can learn about the different types of intellectual property, including copyrights, trademarks, and patents. They can also learn about the process of obtaining and registering copyright, as well as the rights and responsibilities of copyright holders. Such training should be obligatory for all new employees, even for ones with extensive professional experience. It is important to remind the restrictions of the law and to show the connection with the performed work. The contract law should not be omitted during the training. A wide understanding of this subject will reduce the time required to perform the basic tasks. If the employees are “fluent” in the process of reading and interpreting the license agreements, the number of theoretical mistakes will decrease. The imperative is to know exactly which parts of the agreement are crucial for the assigned everyday tasks and to investigate them wisely.

Another way to teach the law to new employees is through real-life examples and case studies. For instance, a company could present scenarios where tax law infringement occurs and discuss the meaning and the consequences of its non-compliance with the law. This helps employees understand the practical implications of the law and how it can affect their work. While looking at the work of experienced colleagues, the new employee can get a better understanding of the delegated tasks. Another way to make this process smoother is to have a supporter. This person can serve as a mentor and guide for the new employee, helping them to understand the company’s culture and values, as well as assisting with the paperwork, administrative tasks, and obligatory legal regulations required during the onboarding process. Additionally, the “buddy” can teach the new employee how to use any relevant technology or software, provide information about the company’s products and services, and how the new employee’s role fits into the organization. Furthermore, the supporter can help the new employee understand the company’s expectations and performance metrics, connect them with other resources such as training programs or employee development opportunities and be a point of contact for the new employee throughout the process. The experienced employees can share their experience and explain the mechanisms of the license agreement’s procedures in an easy and accessible way. They can also draw attention to the most popular mistakes made in a specific position.

In addition to formal training, new employees need to have access to resources such as copyright/tax/license guidelines and policies. These can provide a reference point for employees to consult when they are unsure about whether they can use a particular piece of content. It is also helpful to have a designated point of contact, such as an in-house legal

team or an intellectual property lawyer, whom employees can approach with any questions or concerns they may have. The legal documents include contracts, licensing agreements, and other legal instruments that specify the terms and conditions of a film's production, distribution, and use. These documents serve as a reference point for the parties involved and can help . clarify any ambiguities or misunderstandings that may arise.

Furthermore, the transfer of knowledge about laws on film licensing can also be facilitated using online resources and communities. There are numerous websites and forums dedicated to discussing legal issues in the film industry, and these can be valuable sources of information for those willing to learn more about this complex area of law. Additionally, there are FAQ - frequently asked questions - repositories, where important questions about the subject with proper answers and interpretations worked out in the past as best practice are collected.

CONCLUSIONS

The transfer of knowledge about film licensing is crucial for ensuring the unhindered and successful functioning of the entertainment industry. By staying informed about their legal rights and obligations, filmmakers and other industry professionals can better protect themselves and their work and ensure that their projects are completed on time and within the budget. It is especially important while speaking about film licensing. The employees of this department need to understand all the legal processes connected with buying and selling film rights. An essential aspect is also a wide knowledge of laws and specialized language. It is challenging because of the need of understanding all specialized terms before the process of acquisition of the laws starts.

The transfer of knowledge takes different forms. The most popular ones in the TV industry are training sessions or workshops, real-life examples and case studies, formal training, or online resources. While the process of acquisition of knowledge is on, a new employee should use all available resources. Only complex training can help him/her widely comprehend all details of the laws. Additionally, the onboard training should conclude the presentation of different fields of law, such as tax law, contract law, privacy law and copyright law. After the basic acquisition of all above mentioned points the new employee is ready to start his/her work. The company can provide the basic knowledge in multiple fields of law to the employee, due to diverse forms of transferring the knowledge, and be certain that key tasks are well performed.

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