

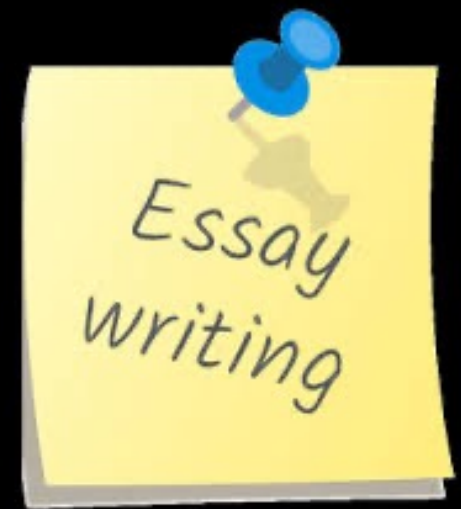
# The Law of Film

## Essay Research and Preparation

*Tumbbad* (2018), Rahi Anil Barve and Anand Gandhi (dir)

# Developing your essay

- Research guide
  - SUBJECT: Identifying a topic
  - ISSUES: Developing the main things in issue
  - LEGAL: Identifying the potential legal issues
  - TITLE: Developing a title
  - STRUCTURE



# SUBJECT



- Think widely and creatively
  - News story
  - Case/Decision
  - Article (law or other)
  - Industry Reports
  - A trip to the movies ...
- Tutorials are an opportunity to sound out ideas

# News stories

## Why Jet Li Turned Down a Role in ‘The Matrix’

Posted on Friday, October 19th, 2018 by [Hoai-Tran Bui](#)



*The Matrix* seemed like a franchise tailor-made for **Jet Li**. The **Wachowskis'** mind-bending sci-fi series that began in 1999 featured brooding heroes in black coats with insane martial arts skills — all elements that Li had down pat.

And the Chinese action star was actually offered a part as Seraph in *The Matrix Reloaded* and *The Matrix Revolutions*, only to turn it down. But he has a good reason for turning down a part in the defining sci-fi franchise of the '90s and early 2000s.





# Marvel Wins Copyright Infringement Lawsuit Over 'Iron Man 3' Movie Poster

Horizon Comics claimed a similarity between an image of Robert Downey Jr. and a drawing of the character Caliban for the "Radix" comic series

[Brian Welk](#) | July 16, 2019 @ 8:24 AM



# News stories

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TLDR

## Original Terminator Movie Writer Could Block More Sequels After Dark Fate

BY SANDY SCHAEFER - ON OCT 02, 2019 IN MOVIE NEWS



ADVERTISING



On SCREENRANT.com

TRENDING



# News stories

books

## Australian author sees similar plot to his in trailer for new Danny Boyle film

The upcoming movie *Yesterday* bears resemblance to Nick Milligan's novel *Enormity*

Stephanie  
Convery

@gingerandhoney

Tue 19 Feb 2019

08.43 GMT





# Donald Trump faces legal battle with Warner Bros over copyright infringement



[NEWS](#) → [LAW](#)

## Artist's copyright infringement suit heads to US Supreme Court

North Carolina used film director's images without obtaining his permission or compensating him

**DANIEL GRANT**

18th June 2019 18:40 BST

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## 'Not again': the online artists accusing pop stars of stealing work

Chris Brown's video Wobble Up features artwork allegedly copied without their consent



**Lanre Bakare**  
@lanre\_bakare  
Thu 6 Jun 2019 12:43 BST  
f t e 33

## Screenwriter Accuses Paramount of Copyright Infringement Over 'What Men Want'



**BY JOSE MARTINEZ**

Jose is a contributing writer for Complex Media. @ZayMarty

SEP 26, 2019



# Mercedes-Benz sues artists after using Detroit murals on social media

LINDSAY CHARLTON Updated: September 13, 2019



mercedesbenz • Follow  
Detroit, Michigan

mercedesbenz This off-road legend is always ready for some urban exploration to mix things up. 🏡

#StrongerThanTime #MercedesBenz  
#GClass #Luxury #Lifestyle #Detroit  
[Mercedes-Benz G 500 | Kraftstoffverbrauch  
kombiniert: 11,7-11,1 l/100 km | CO2-  
Emissionen kombiniert: 276-263 g/km]

Load more comments

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mehmetsoguksu @youngsimbah\_ baba👋

joelnarayanin est ce dernier modèle 2018?  
y a t'il motorisation diesel ?quelle



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JANUARY 26, 2018

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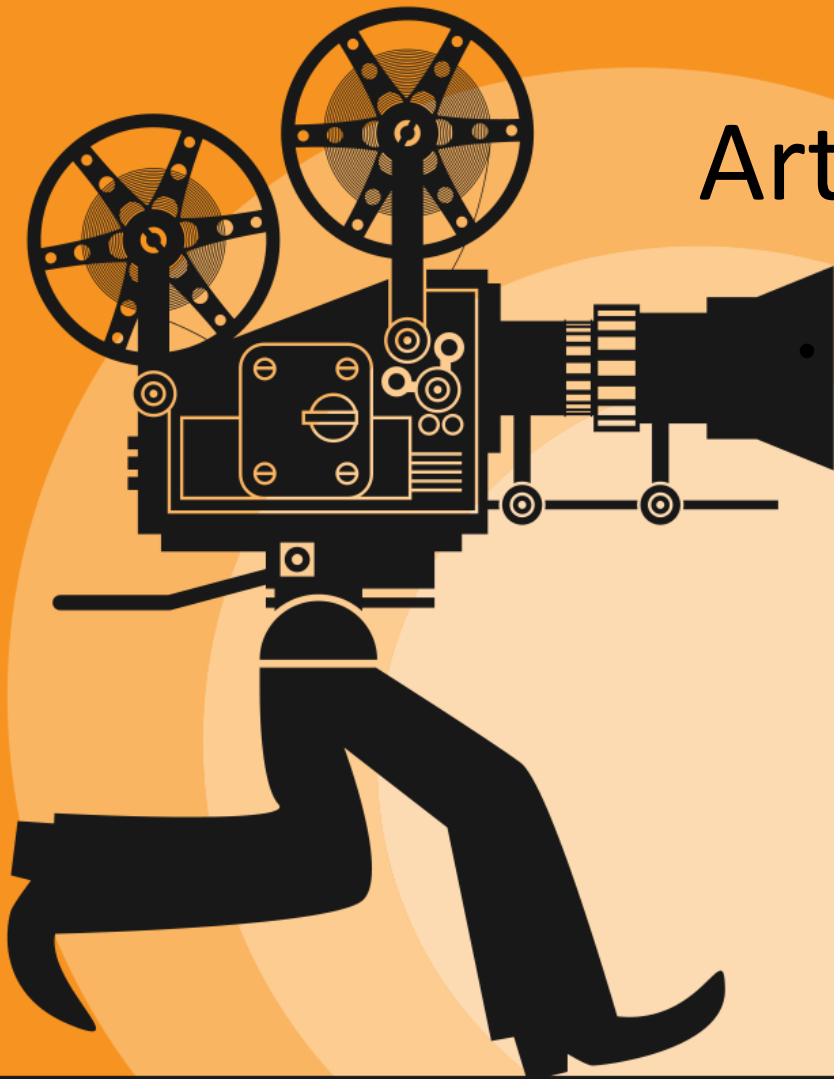
<https://www.youtube.com/watch?v=Eus23Yop2Pk>



# Case

- **For example, Premier League litigation**
  - **C-403/08 - Football Association Premier League, EU:C:2011:631**
    - A football game is not a copyright work as “no creative freedom” as it is dictated by the “rules of the game”. Is this right?
  - **Directive (EU) 2019/790 on Copyright in Digital Single Market**
    - Consideration but did not give copyright to “sport event organizers”
    - Do you agree?





# Article

## Particular article

- E.g., “Ideological Effects of the Basic Cinematographic Apparatus”, JL Baudry – potential implications for a critique of film copyright and audience today
- Interdisciplinary sources
  - Film theory
  - Art history and film
  - History
  - Interpret the article through a legal lens



A person is adjusting a studio light on a stand. The background is a vibrant red with dark, angular shapes. The light is a large, rectangular softbox on a black stand. The person is wearing a light-colored long-sleeved shirt and is looking up at the light. Another person is partially visible in the background, also looking up.

# Industry Reports

## Examples

- British Film Institute (BFI) Commission on UK Independent Film – Report 2018
- BFI Screen Culture 2033
  - Strategy 2023-2033
  - Digital environment
  - Consumer/audience behaviour
  - Value of rights

# A trip to the movies ...

- Frederico Fellini – 8 ½

<https://www.youtube.com/watch?v=ykgIVAvYCwk>

- Quentin Tarantino – Pulp Fiction

[https://www.youtube.com/watch?v=AJvSSyU5\\_As](https://www.youtube.com/watch?v=AJvSSyU5_As)

- Escape from New York (1981) -

<https://www.youtube.com/watch?v=ckvDo2JHB7o>

- Lockout (2012) -

<https://www.youtube.com/watch?v=An8mo2DgnU>

<https://www.youtube.com/watch?v=SXHNtus8Enk&feature=youtu.be>



# ISSUES

The image features a group of silhouettes of people of various ages and ethnicities, positioned against a bright, glowing background that resembles a stage or a large window. The word 'ISSUES' is prominently displayed in a large, black, sans-serif font at the top center of the image.

- The artistic, social, practical, economic, business etc.
  - What is in contention?
  - What is the potential dispute?



# Legal and Critical Analysis

- And then from there, what are the potential legal issues?
- Potential areas to explore:
  - Any extra-legal strategies for protection (fandoms, merchandising, etc)
  - The application of film theory to the scope of the work for the purposes of protection





## Title

- Informative
  - Essay's purpose
- Can be straightforward or more creative
- No need to put all the information into the title
  - Aim for concise and informative

# Structure



- Introduction
  - CONTEXT – In other words, what motivated this question –
    - A particular challenge being faced by the industry?
    - A particular dispute?
  - OUTLINE - Outline briefly what you will be arguing and how
  - SCOPE – A 3000 word essay is limited in scope so you may wish to outline aspects that will be beyond the scope of your discussion (but you show your awareness of them)
  - CONCLUSIONS – Any possible conclusions or recommendations arising from your work
- Headings and sub-headings
  - Very important
  - Signpost your argument throughout
  - Ensures reader can identify easily the points and steps of your argument
  - Assists with achieving a clear and readable structure
- Conclusion
  - Don't just restate your argument
  - This section can be used to explain why your essay is significant and any future implications or areas for research arising from your essay

# This is a research essay

- Research is crucial
- References and authorities must be provided for arguments
- Engage with authorities (do not just describe and paraphrase)
  - Do you agree with the argument?
  - Compare other approaches?
  - Potential wider significance? Etc

# Referencing

- **Footnotes are essential**
- Do **not** use in-text citation
- Footnotes **will count towards the word count**
- Bibliographies are optional but recommended
  - Make sure you have engaged with all the references in the bibliography
  - Bibliographies do not replace footnotes
  - Bibliographies do **not** count in the word limit



closed-door fraternity such as law enforcement will not be an easy task. The committee must have representatives within the established culture who will help set the ethical tone as well as reinforce the message and spirit of the curriculum proposal (Joepsell, 2006).

The proposal committee must have representatives from the Black Law Enforcement Association, Irish Brotherhood of the Badge, as well as active members of the Hispanic Bar association. These organizations represent a large portion of the working ethnic groups within the criminal justice system. Having key allies who will communicate the proposal changes to their members is critical for success of this project (Mortory & Thomas, 2003).

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Donec ornare dapibus nibh vel suscipit. Sed sit amet mauris quis nisl euismod tempus et eget tortor.<sup>2</sup> Vivamus nulla urna, placerat quis tincidunt nec, efficitur ac orci. Quisque lobortis et turpis non eleifend.

- 
- ▶ 1. This is an example of where footnotes are placed.
  - ▶ 2. Footnotes provide additional information about a sentence and direct readers to outside sources, either to cite an idea or to suggest additional reading about a topic.



# QMUL Library Databases

- Research literature

- <https://www.library.qmul.ac.uk/subject-guides/law/databases/>

- Film and cultural research literature

- <https://www.library.qmul.ac.uk/subject-guides/film/databases/>

- JSTOR
    - Project MUSE
    - *Media Plus*

# Quality Research



Tip 8 - References: always go back to the original source!

- Research sources
  - Relying on SSRN is not quality research
    - You must consult and cite the published form (not the draft)
    - **You must consult peer-reviewed research (published articles, books etc)**
  - Consult legal research and recent articles
    - Peer-reviewed scholarly articles (eg not blogs and law firm client briefings)
    - Westlaw; Hein Online; LexisNexis; JSTOR etc
    - Practitioner texts
    - Film policy and production texts
    - Industry reports (as primary sources)
- Case comments on cases are not the same as reading the cases
  - Check your sources, read the cases, engage with the primary source
  - You must always consult and cite from the source, not cite a quote from the case in a secondary source
- Do not cite other forms of quotes in secondary sources – go to the original and check
- Blogs and newspapers, reviews etc may be interesting as examples of the cultural and social context, but they are *\*not\** legal authorities
- Film texts – film as a critical tool
- Footnote all your references



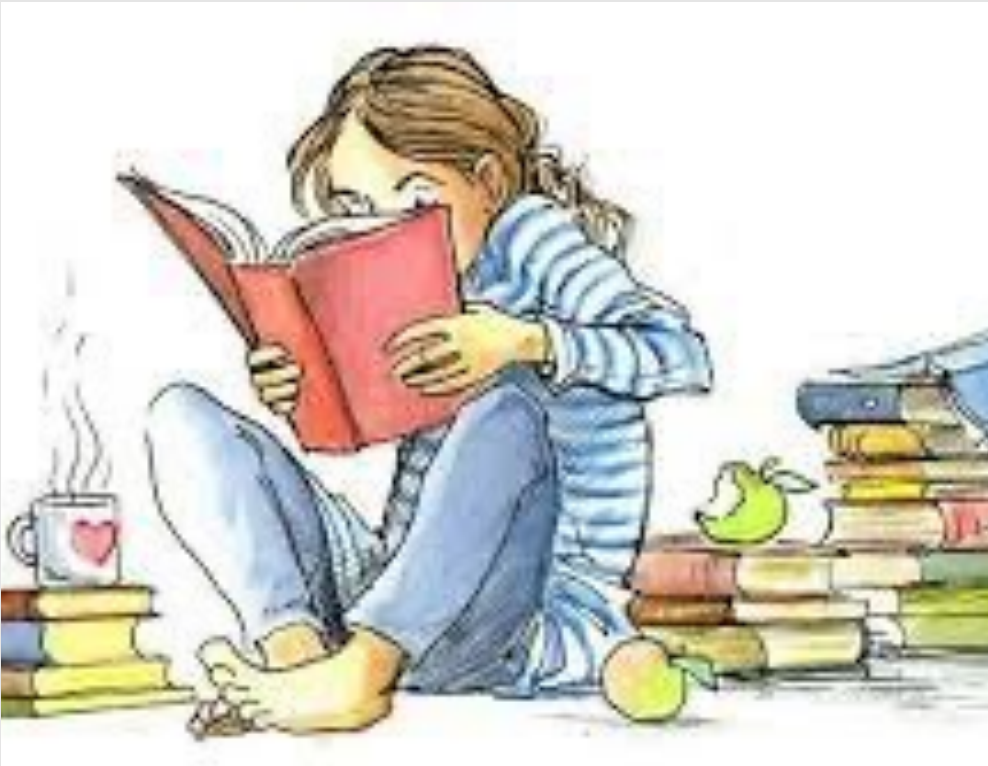
# Examples of poor scholarship



- Merely paraphrasing or largely copying/repeating articles from elsewhere
- Merely providing a citation at the end of lengthy paraphrasing without actual engagement with the argument
- It is important to show your engagement with and understanding of the sources and bringing them together in an insightful analysis of the issues in your essay



# Examples of good scholarship



- Able to synthesise various arguments in relation to your topic and your particular research question
- Bringing several authorities together into a fresh analysis
- Able to engage with those arguments that disagree with you and explain why they are not applicable



**BE CURIOUS!**  
**Ask questions!**

# Always ask questions!

**There are no stupid questions!**

We are here to help you make the most of this exciting field and encourage your particular interests in the wonderful world of film law. So please feel free to ask us any questions!

**[ccls-film@qmul.ac.uk](mailto:ccls-film@qmul.ac.uk)**

