

ENTERTAINMENT, COMMUNICATIONS & MEDIA

Overview

TressCox has established a reputation as having the largest and the leading media and entertainment law practice in Australia, providing commercially informed, specialised legal advice to our national and international clients.

The media and entertainment services team has extensive experience in the corporate, commercial, financial, tax and personal services demanded by private and corporate clients alike. Our experience in all areas and on all sides of the media and entertainment industries enhances our services to clients.

We represent a wide range of individuals and businesses in film, television, music and new media industries. Our clients include well known Australian and international producers, film directors, personalities, financiers and underwriters, merchandisers and subscription TV broadcasters. We are recognised for our ability to achieve our client's commercial and strategic objectives.

TressCox is listed as a recommended law firm in the Best Lawyers (2009 & 2010) edition for Media & Entertainment.

Services

Film and Television

TressCox is recognised as Australia's largest film practice. We act for both producers and investors in connection with Australian and international productions. We act for the British Broadcasting Corporation in Australia and have been a member of the legal panel of the Australian Film Finance Corporation since 1991. Credits include Star Wars Episode II and III, The Quiet American, Moulin Rouge, Farscape, Chopper, Lantana, The Piano, Oscar and Lucinda, The Man Who Sued God and Greencard.

We advise on:

- Acquisition of rights and chain of title
- Production and investment structuring, advice and documentation
- Financing, including public fundraising
- Co-productions (including off-shore) and joint ventures
- Industrial awards including negotiation of MEAA
- Cast and crew agreements
- Clearances and product placement
- Bonds and insurances
- Distribution and licensing
- Exploitation of ancillary rights, eg Soundtrack Albums
- Merchandising
- Legal advice on the investment of \$16 Million of concessional capital raised under the Flick Scheme.

Music

Music forms an important part of our practice and we act for developing and leading artists including major Australian bands and individual artists, as well as major and independent record and music publishing companies. Our experience includes the negotiation and documentation of agreements for recording, music publishing, management, merchandising, licensing, distribution deals and business structures for bands.

We advise on: recording, music publishing, management, touring,

merchandising, music licensing, pressing and distribution deals, endorsements, video production, bands, business structures for bands, soundtrack and cast albums, and naming and sponsorship deals.

Fashion

TressCox has built a substantial practice around providing commercial advice to the fashion industry. We assist clients in creating agreements with suppliers, manufacturers and distributors, protection of their intellectual property and trade marking, and can offer advice on care labelling and country of origin labelling.

Our employment specialists can advise clients on the engagement of outworkers and other industrial relations issues. We deal regularly with the TCFUA and represent employers in all sectors of the industry regarding outworker Award compliance, union right of entry and in the defence of prosecutions.

Subscription TV

TressCox were solicitors to the public float of Australia's first subscription television company, Australis Media Limited in 1993, and the firm continues to act for participants in the Australian pay TV industry, including channel providers and distributors.

Our services includes:

- Advice concerning the Broadcasting Services Act and the Radiocommunications Act
- Liaising with government and statutory authorities including the Australian Broadcasting Authority and the Spectrum Management Agency
- Transmission and receiving equipment supply agreements
- Program production and acquisition
- Subscription contracts
- Employment and talent agreements
- Protection of ideas, concepts, formats and brands
- Litigation / dispute resolution.

Internet and multimedia

The internet and e-commerce provide both opportunity and danger for businesses, requiring careful consideration of multi-jurisdictional legal issues. Our team has experience in providing services to businesses embracing ICT issues, as well as to start up ventures.

Intellectual Property Exploitation

We are experts in assisting our clients to identify and commercially exploit intellectual property. We recognise that the management of intellectual property rights is crucial to taking advantage of emerging revenue or strategic opportunities.

Media and Broadcasting Regulation

It is essential for our entertainment and media clients that they are up to date on the regulatory requirements or restrictions on how their products or programs are used.

Production Structures

We advise on the appropriate legal and trading structures for our client's activities. It is essential that production or trading structures are appropriate in the context of treaty, industrial, liability and asset protection issues. This is particularly the case for

international film financing and subscription TV and free to air television distribution.

Project Financing

We have considerable expertise in the strategies of both project and operational financing for entertainment and media activities. We assist clients with contacts, structures, and the negotiation and documentation of deals. Naturally, we also assist in monitoring compliance with project financing structures.

Advertising and Marketing

We have a strong background in advertising and marketing. We act for consumer product manufacturers, pharmaceutical companies and insurers as well as owners of internationally known household brands. We assist our clients in trade practices compliance and brand management and extension.

Employment and Industrial Relations

We have extensive experience in services agreements and industrial relations in the particular context of entertainment and media activities. We regularly negotiate customised agreements for individual artists or personalities and advise on enterprise or industrial agreements as they apply to clients' projects.

Trade Practices

We offer considerable expertise in the areas of trade practices and competitive conduct. We advise on exclusive dealing, unconscionable conduct and other anti-competitive activity, particularly where they clash with intellectual property exploitation.

Defamation

TressCox is experienced in advising on potential defamation issues and is familiar with defamation law in all Australian jurisdictions, as many of our clients' products are exploited nationally. We understand that defamation actions can be costly and time consuming for any business and advocate the importance of prevention. Through our Entertainment and Media division, we have a wealth of experience reviewing documentation for defamatory statements prior to publication. We take a commercial approach to advising on what will be defensible if an action is brought against the business. Members of our Commercial Litigation Division often work with the Entertainment lawyers and have considerable experience in defending and prosecuting defamation actions.

Track Record

Film and Television

- Acted for the Producer on each of the 'Credits' of: Moulin Rouge, Star Wars II and III, Farscape, Garage Days, Chopper, Lantana, The Quiet American, The Thin Red Line, The Piano, The Man Who Sued God, Pitch Black, Oscar and Lucinda, Map of the Human Heart and Greencard.
- Represented the Australian Film Finance Corporation on the contracting of numerous film projects since 1991.
- Defamation reviews of cutting edge Australian episodic television series.
- Advising on and managing audit of leading Australian film distributor on behalf of international producer.
- Status report on contracted and available rights to a package of feature films, then negotiation of local and international license and distribution agreements.
- Acted for distributor in acquiring and distributing audio visual products including videos of audio visual products of the Sydney Olympics, including videos of the opening ceremony

and 'The Dream' by Roy and HG.

- Advised on the legal and operational structure of Australian arm of international producer.

Music

- Assisting international client to establish Australia-wide in-premises music service and to comply with Australian laws and industry arrangements.
- Negotiated all agreements (music, cast and record company clearances and distribution deals) for cast album for major Australian musical.
- Joint venture strategy for reformation of Australian icon band covering finance, production and distribution arrangements.
- Negotiation of promoter, venue, finance and production deals for international touring artists.
- Acquisition of major Australian tour merchandising business.
- Drafting, recording, production and licensing precedents for major recording company and advising on all commercial and corporate issues.
- Advising Australian composers and performers on publishing and recording deals.
- Negotiation and drafting of agreement for licence of music, characters and images for use on mobile phones.
- Prepared terms and conditions for licensing websites for on-line retailing of music products.

Subscription television

- Advising on joint venture arrangements between subscription television distributors for the joint production of common channels.
- Advising on compliance with the Broadcasting Services Act provisions on expenditure on new drama production.
- Advising radio narrowcaster on arrangements relating to digitalization and satellite distribution
- Strategy and establishment of corporate and legal structures for acquisition of programming rights for the production of a range of subscription television channels
- Establishing a joint venture for the production and cable and satellite distribution of subscription television channels.
- Negotiating industry-wide arrangements for the licensing of music videos for the production of music video subscription television channels.

Defamation

- Advising a well known Australian author on his obligations prior to publication.
- Review of newsletters of peak medical body prior to publication.
- Advising the producers of 'Chopper' on potential defamatory content in movie.
- Acting for Chapman Pictures, co-producer of 'The Track', a television series about Australian horse racing. Included extensive defamation review for errors and omissions for insurance purposes.
- Advising on and negotiating all financing and production agreements for telemovie, 'The Road from Coorain', based on an autobiographical novel including defamation review.

Lawyers

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