



## JOMC 340: Introduction to Mass Communication Law – Fall 2014

Section 03: Mondays and Wednesdays from 1:00 to 2:15 p.m. in CA 33

School of Journalism and Mass Communication

University of North Carolina at Chapel Hill

### Instructor

#### Michael Hoefges, J.D., Ph.D.

- Office: 355 Carroll Hall
- Weekly Office Hours: Mondays from 2:30-3:30 p.m. and Wednesdays from 11 a.m. to noon
  - Appointments made during office hours will be honored first. Otherwise, it will be first-come, first-served. Other days and times are available for appointments – made in advance, please, if possible. Email is great for quick questions.
- Telephone: 843-0971 (direct line to my office, equipped with voice mail)
- Email: [mhoefges@email.unc.edu](mailto:mhoefges@email.unc.edu)
- Graduate Teaching Assistant: Nicholas W. Gross, J.D., Roy H. Park Doctoral Fellow
  - Weekly Office Hours: Tuesdays and Thursdays from 3:30-5 p.m.
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### Course Description and Objectives

**Welcome to JOMC 340 – Introduction to Mass Communication Law!** The purpose of the course is to identify and explore significant legal issues that confront mass communication professionals in today's rich and rapidly evolving multimedia environment – mostly in the United States but internationally, as well. Specifically, the objective of the course is to equip you with relevant substantive knowledge and a framework within which to identify, comprehend, analyze and process legal issues that you may face in your professional communication careers. View this course as an opportunity to strengthen your professional skill set and develop your analytical reasoning related to your intended professional field. Whether you pursue a career in advertising, electronic media, journalism, public relations, or visual communication, you'll find that legal issues will surface often and influence your daily work and professional career in many significant ways. Also, you'll find that mass communication law is complex and evolves as rapidly as the professions themselves. It will serve you well to keep abreast of legal developments in mass communication including – and especially – those that most significantly impact your own profession and career. Focus for this section: We'll cover a range of media law topics but focus particularly on legal and regulatory issues relevant to those of you in our School's ADVERTISING, PUBLIC RELATIONS and STRATEGIC COMMUNICATION specializations.

**IMPORTANT:** SUCCESSFUL COMPLETION OF JOMC 153 IS A PREREQUISITE FOR THIS COURSE (JOMC 340) AND IS ENFORCED BY THE SCHOOL OF JOURNALISM AND MASS COMMUNICATION.

**ACCREDITATION:** Our School is proud to be accredited by the Accrediting Council on Education in Journalism and Mass Communication (ACEJMC). Among the Professional Values and Competencies for accreditation is understanding and applying the principles and our laws of freedom of speech and press in the United States, as well as having an understanding of the range of systems of freedom of expression around the world, including the right to dissent, to monitor and criticize power, and to assemble and petition for redress of grievances. In addition, our students should be able to think critically, creatively and independently. No one course can cover all of these topics completely. Our focus in this course will be American law but the course will include selected international and foreign media law principles and the extent and role of free speech and press in other countries.

## Required Course Materials and Resources

### Required Course Materials:

- (1) KENT R. MIDDLETON & WILLIAM E. LEE, THE LAW OF PUBLIC COMMUNICATION (9th ed. 2014). Print version and online-accessible version available for purchase at the UNC campus bookstore.
- (2) NORTH CAROLINA MEDIA LAW HANDBOOK (Cathy Packer et al. eds., 2014). This is an online resource that you'll have access to all semester for \$25. Visit <http://medialawhandbook.com> and click on the link to "Create an Account." Please note that although authors, including me, have received a stipend for writing our chapters, all proceeds from the online subscription sales go toward various non-profit efforts of the North Carolina Press Association (listed on the bottom of the page you'll reach when you click on the URL above) – chapter authors do not profit from the sales of subscriptions to the *Handbook*.
- (3) Kyu Ho Youm, *International and Foreign Law* in ROY L. MOORE & MICHAEL D. MURRAY, MEDIA LAW AND ETHICS 677-730 (4th ed. 2012). This chapter will be available on our Sakai site via protected password as a library course reserve item. You'll receive further instructions on accessing this reading.

**Note:** Please be sure to have the correct and updated editions of the required course materials – previous editions are not adequate substitutes.

**PowerPoint Slides and Other Materials:** The PowerPoint slides for each day's lecture will be available in a PowerPoint file on the course Sakai site. Before coming to class each day, please access and read the PowerPoint slides for that day's lecture so that you'll have your own file of the slides in class and be familiar with the content before class. Many students open the PowerPoint files in the "Notes" view and take notes on their laptops during class in the notes space under each slide. ALSO: Readings from the Internet and other sources are indicated in the schedule and are available either on the Sakai site or on the Web via the Internet. You will need Internet access and will need to monitor the course Sakai site and your UNC email account on a regular basis for important course information, announcements and digital "handouts."

**IMPORTANT REGARDING EMAIL CORRESPONDANCE:** All course-related email messages will be sent to your official UNC email address ONLY via UNC email, Sakai and/or ConnectCarolina. In addition, all course-related email messages that you send to the instructor and graduate teaching assistant should be sent using your official UNC email address ONLY please. Emails sent from other domains (i.e., gmail, hotmail, yahoo, etc.), especially with attachments, often are trapped by the UNC spam filters and not delivered. Please check your UNC email account regularly and be sure to clean out your "inbox" so that incoming email will not get "bounced." Also, a few words about email etiquette: Questions or concerns that require lengthy responses (or require follow-up questions before an answer can be provided) are best handled in a visit during office hours. So please feel free to come to office hours for those types of questions or concerns.

## Classroom Environment

It's important to the success of class discussion for everyone to feel comfortable asking questions, discussing issues, and expressing opinions and viewpoints. Please feel free to raise your hand when you have a question or comment that relates to our topic of discussion, and please be respectful of others when they are speaking. Free and open discussion and expression of various viewpoints often helps us better understand issues and concepts – especially when we hear and think about viewpoints that we've not considered before or even may disagree with. ALSO: To best utilize our class time, please do your part to prevent electronic devices from disturbing the class, and please refrain from holding personal conversations in class. PLEASE NOTE: Food and beverages are NOT allowed in the classroom except for water in a non-spill container. Otherwise, please do not bring food or beverages to class. Thank you.

## Important University Policies

**Honor Code:** The Honor Code is in effect in this course and all others at the University. As an instructor, I am required – and fully committed – to treating Honor Code violations seriously. Please make sure that you are thoroughly familiar with the terms of the Honor Code including your rights and responsibilities as set out in more detail at <http://instrument.unc.edu> and in the current *Undergraduate Bulletin*. If you have questions, it is your responsibility to ask me about the Code's application – so, please do. The University requires that all completed exams be submitted with a signed statement by you verifying that you complied with the Honor Code. PLEASE NOTE: Among other things, it is a violation of the Honor Code to utilize unauthorized materials during an exam, give or receive unauthorized help during an exam, or to communicate anything about the contents of an exam given this semester to another student who has yet to take the exam and, similarly, to receive such communication from someone who's completed an exam given this semester that you have yet to complete. In addition, it is a violation of the Honor Code to verify your presence in class by signing the attendance sheet when you've not attended the entire class period (i.e., signing the attendance sheet and then leaving class early or coming to class late and then signing the attendance sheet) or to sign in for someone else. So, please don't do such things!

**Accessibility Resources and Service:** Students who may need academic accommodations and associated resources, like extended testing time, must contact the Department of Accessibility Resources and Service (DARS) in a timely manner to determine whether and to what extent such accommodations or resources are necessary for this course. However, only DARS can make this determination for you – not your professor. It is the goal of UNC to “ensure that all programs and facilities of the University are accessible to all members of the University community.” If you think this might apply to you, please contact DARS confidentially as soon as possible either by telephone at 962-8300 or visit the DARS website at <http://accessibility.unc.edu/about-us> for additional information. Please know that I am fully committed to this policy and will abide by any recommendations DARS may make for you for this course.

**Diversity and Inclusivity:** The University is committed to fostering a diverse and inclusive academic community, and prohibiting discrimination and harassment. Please review the University policy statements on diversity and inclusivity, and prohibited harassment and discrimination, both in *The Undergraduate Bulletin 2014-2015* at <http://www.unc.edu/ugradbulletin/>. Please know that I am fully committed to fostering the University's diversity and inclusivity goals, and enforcing these policies.

## Course Grading Policies

**Evaluation:** There will be two (2) scheduled exams during the semester and a final exam, which may be cumulative. The exams will comprise some combination of objective-type questions (i.e., multiple choice, true/false and/or identifications), and subjective-type questions (i.e., short answer and/or essay), as determined by the instructor. There will be ten (10) reading quizzes counted during the semester. The total points possible for each exam, the quizzes and for the course in total are as follows:

<b>Quizzes</b>	<b>100 points (10 at 10 points each)</b>
<b>Exam 1:</b>	<b>100 points</b>
<b>Exam 2:</b>	<b>100 points</b>
<b>Final Exam:</b>	<b>150 points</b>
<b>TOTAL:</b>	<b>450 points</b>

The following percentage grading scale will be used to convert all totals in the course to letter grades:

<b>A = 93-100%</b>	<b>A- = 90-92%</b>
<b>B+ = 87-89%</b>	<b>B = 83-86%</b>
<b>C+ = 77-79%</b>	<b>C = 73-76%</b>
<b>D+ = 67-69%</b>	<b>D = 60-66%</b>
	<b>F = &lt; 60%</b>

Your final course grade will be based on the total number of points you earn on the exams and quizzes minus any points that you've lost for excessive absences during the semester (see attendance policy below). Course grades will be assigned according to the following point scale:

<b>B+ = 390-402 points</b>	<b>A = 417-450 points</b>	<b>A- = 403-416 points</b>
<b>C+ = 345-357 points</b>	<b>B = 372-389 points</b>	<b>B- = 358-371 points</b>
<b>D+ = 299-312 points</b>	<b>C = 327-344 points</b>	<b>C- = 313-326 points</b>
	<b>D = 268-298 points</b>	<b>F = 267 points and less</b>

Please expect reading quizzes to cover assigned readings for the day the quiz is administered. Dates of quizzes may NOT be announced in advance (but sometimes, I give clues). Please expect each EXAM to cover lecture material, handouts, any guest lectures, and all assigned readings from the text and other sources. It is strongly recommended that you review each of your exams and quizzes carefully and thoroughly when they are returned. Although I will not return the objective portions (multiple choice, and true and false questions) of the exams, you are welcomed and encouraged to come review those questions along with the answer key after each exam during office hours. Any challenge to an exam or quiz grade should be raised within two weeks after the exam or quiz has been returned, or is waived.

**IMPORTANT:** Undergraduate JOMC majors must earn a grade of "C-" or higher in JOMC 340 as one of the School's graduation requirements – that means earning a final point total of 313 points or higher out of 450 possible points.

**IMPORTANT:** For each of the first TWO exams, you'll need to bring a blank scantron form, No. 2 pencils with erasers, your laptop with wireless Internet connection capability, MS Word word processing software, and a blank Bluebook (as back-up in case of computer failure). The cumulative FINAL EXAM will consist of objective-type questions only, and you only will need a blank scantron and No. 2 pencils with erasers. All you'll need for the quizzes will be a pencil or pen. Quizzes may be administered online via Sakai at the discretion of the instructor.

### Class and Exam Attendance Policies

- **Is class attendance required?** Yes. In the professional world, we all are expected to be present on time for a job and prepared to work. Please treat this course in the same professional manner. Please plan to attend every scheduled class meeting on time with the assigned reading(s) completed and your own electronic or paper copy of that day's PowerPoint slides in hand. As stated in the *Undergraduate Bulletin*, "Regular class attendance is a student obligation.... No right or privilege exists that permits a student to be absent from any given number of class meetings." Pursuant to that policy, I'll take attendance each day by circulating an attendance verification sheet for you to sign verifying your attendance for the entire period that day. It is your responsibility to please be in class on time and to sign the attendance sheet for yourself when it circulates. Otherwise, you may be counted "absent." Please do not sign the attendance sheet if you have arrived late or plan to leave class early without talking to me first before or after class.
- **Are there "excused" absences if I miss class?** Yes. Each of you will have three (3) self-excused absences to utilize at your own discretion on any class day on which we do NOT have an exam scheduled. It is not necessary to advise me when or why you use your self-excused absences – the decision is completely yours depending on your individual circumstances. However, please use your excused absences judiciously, sparingly and wisely for schedule conflicts like job interviews, club activities, and illnesses. There are no "excused" absences in excess of the three (3) self-excused absences that each of you is allotted. There is a separate policy for quizzes and exams below.

- **What if I run out of self-excused absences and then miss additional classes?** For each absence in excess of your three (3) self-excused absences, five (5) points will be deducted from your final point total for the semester (450 points possible). Again, there are no “excused” absences after you’ve exhausted your three (3) self-excused absences. There is a separate policy for quizzes and exams below.
- **What is the attendance policy for quizzes?** Reading quizzes may NOT be announced in advance. There are NO make-up quizzes. There will be more than ten (10) quizzes during the semester but only your ten (10) highest scores will count. If you miss a quiz, that will be a score of zero (0) on that quiz. Thus, if there are twelve (12) quizzes, and you miss two of them (zero on each), the ten (10) scores for the quizzes that you took will count (if the scores are higher on those than a zero). Again, there are NO MAKE-UP QUIZZES. Quizzes may be administered online on the Sakai site.
- **What is the attendance policy for exams?** You must attend each exam as scheduled in the syllabus for the section of JOMC 340 for which you are registered. Ordinarily, there are no “early” exams. Make-up exams will be permitted and scheduled at the instructor’s discretion in the event of serious and documented circumstances that are beyond your control and prevent you from attending a scheduled exam. Such circumstances include serious illness or injury to you, or a death in your family. If you must request a make-up exam, please contact me as soon as possible – the sooner before the exam the better, if possible. Make-up exams are not guaranteed simply upon request. When permitted and when possible, make-up exams should be completed within one (1) week from the date of the original exam, and a make-up exam may be different in content and format than the original exam at the discretion of the instructor.
- **What if I have to miss the final exam?** The University has scheduled the date and time of the final exam for your section, which cannot be changed. For the University’s policy statement on final exams please refer to the current *Undergraduate Bulletin*. PLEASE NOTE: Under that policy statement, it is necessary in most circumstances for a student to petition the Dean of the School in advance in order to reschedule her or his final exam in a course. Ordinarily, no one may take a final exam early or late except under the conditions outlined in the University’s policy statement on final exams in the current *Undergraduate Bulletin*. If you have any questions about this policy, please ask me as soon as possible.
- **What if I have to miss class or an exam for an organized and authorized University activity that I am required to attend?** As stated in the current *Undergraduate Bulletin*: “Students who are members of regularly organized and authorized University activities and who may be out of town taking part in some scheduled event are to be excused during the approved period of absence. Notification of such an absence must be sent by the responsible University official to the instructor before the date(s) of the scheduled absence.” To the extent that this policy applies to you, it supersedes the policies stated above. If you have a question about whether this policy applies to you or a particular activity in which you plan to participate, please ask me as soon as possible BEFORE you make plans to miss class or an exam.
- **Please note that all of the exam dates and times are on the syllabus.** Friendly advice: Please record the dates and times of all exams on your calendar NOW to ensure that your schedules are clear for ALL EXAMS INCLUDING THE FINAL EXAM. Any changes will be announced in advance.

## Learning Tips and Suggestions

- **General Tips for Preparing for Class and Exams:** There is a significant amount of material in this course, and many of the concepts are complicated and not always fully comprehensible until you've had time to process the information and review examples. Avoid "cramming" for exams – that almost never results in success in this course in terms of learning the concepts or performing well on the exams. It also provides for a very stressful experience, which is not best for learning. Instead, it's best to begin preparing as early as possible for each exam including REVIEWING the material that we cover each day before reading the next day's assignment.
- **Before each class period:** BEFORE each class period, please carefully complete the assigned reading(s). Also, it's best to download the PowerPoint slides from the Sakai site and have them available for class each day. Then review the readings, your notes and the PowerPoint slides after class each day. Is everything you need to know on the PowerPoint slides? Of course not! Does having the PowerPoint slides mean that you don't have to take notes during the lecture and discussion? Again, of course not! Is it enough just to study the PowerPoint slides for the exams? Once again, of course not! So, remember that the PowerPoint slides are bulleted outlines for class discussion and should not be considered a substitute for taking thorough notes during class or for completing the assigned readings. Often, we will cover points not listed on the slides, omit points that are listed, and cover in more depth points that are listed in abbreviated form on the slides.
- **Preparing for exams:** Begin to prepare for the exams by reviewing and synthesizing the material we cover. Many students in the past have found that making study outlines is beneficial. Work through the study guides that will be provided and make a comprehensive study outline for each topic. Please ask when you have any questions about the material or need any help with study methods or exam preparation. Sooner is always better than later in terms of seeking help and guidance, and when preparing for exams. Again, some friendly advice: Avoid "cramming" for these exams.

## Reading Assignments and PowerPoint Slides

Please complete each reading assignment before the class period on the day that it is scheduled below for discussion. The PowerPoint slides for each lecture will be posted in advance. Again, as mentioned previously, the PowerPoint slides are not a substitute for the assigned reading material, class lecture and discussion, or taking accurate and thorough notes during class. Please use the following key for reading assignments referenced in the schedule on the following pages.

- **M&L:** The reading is from the main text, *The Law of Public Communication*.
- **NCMLH:** The reading is from the *North Carolina Media Law Handbook*.
- **YOUN-PDF:** The reading is from the PDF chapter on library reserve available on Sakai.

## CLASS AND EXAM SCHEDULE

Here is our schedule for the semester. You'll be notified of any changes that may be necessary during the semester, which may well occur. Current topical readings may be added as appropriate during the semester. Be sure to complete the assigned readings before class on the dates they are listed to be discussed. Note: [M] = Monday, [W] = Wednesday.



### Week 1

- **8/20 [W] – Introduction to JOMC 340, and the Sources of Law**
  - READ: Syllabus – available in PDF format on Sakai site.
  - READ: M&L, Ch. 1, pp. 1-9, and Appendix B (all)
  - READ: WWW, North Carolina Constitution – Preamble and Declaration of Rights at <http://statelibrary.dcr.state.nc.us/nc/stgovt/preamble.HTM#PREAMBLE>

### Week 2

- **8/25 [M] – The Courts – Federal and State Systems**
  - READ: M&L, Ch. 1, pp. 9-17, and Appendix A (all)
  - READ: NCMLH: *The North Carolina State System* chapter
  - VISIT: The United States Courts website (2014) at <http://www.uscourts.gov>
    - READ: From the menu on the left, click on "Understanding the Federal Courts." Read that page. Then, from the menu on the left, click on the link for each subheading under "Understanding the Federal Courts" and read those pages as well. Then, click on the link in the menu for "Jury Service" and read that page as well. Explore the website including the interactive map of the federal circuits.
- **8/27 [W] – Legal System: The Litigation Process: Civil and Criminal Procedure; Enforcement of Foreign Judgments; and Working with Media Attorneys**
  - READ: M&L, Ch. 1, pp. 17-25
  - READ: YOUM-PDF, pp. 677-678, and pp. 712-717 (Part VIII)
  - Interested in a media law career? VISIT the UNC Dual Degree in Media Law website at
    - <http://medialaw.unc.edu/for-students/dual-degree-program/>

### Week 3

- **9/1 [M] – UNC HOLIDAY – Labor Day**
- **9/3 [W] – First Amendment: Free Expression Theories; Scope of Coverage; and The Hierarchy of Expression – Protected Expression**
  - READ: M&L, Ch. 2, pp. 26-33 (stop at "Regulating Expression"), 55-69 (start at "Who Is Protected?"), and pp. 47-48 (stop at "Fighting Words")
  - READ: M&L, Ch. 9, pp. 412-446 (start at "Indecency")
  - READ: YOUM-PDF, pp. 688-692 (Section IV)

### Week 4

- **9/8 [M] – First Amendment: The Hierarchy of Expression – Unprotected Expression**
  - READ: M&L, Ch. 2, pp. 48-55 (start at "Fighting Words" and stop at "Who is Protected?"), and pp. 42-45 (start at "Tests" focusing on *Brandenburg* case and "incitement," stop at "Balancing Test")
  - READ: M&L, Ch. 4, pp. 228-232 (start at "Physical Harm" focusing on "incitement" cases)
  - READ: M&L, Ch. 9, pp. 397-412 (read intro and "Obscenity" section – stop at "Indecency")

- **9/10 [W]: First Amendment: Content versus Content-neutral Regulations**
  - READ: M&L, Ch. 2, pp. 33-46 (start at “Regulating Expression”)
  - READ: M&L, Ch. 3, pp. 90-93 (start at “Content-Neutral Regulations”)

## **Week 5**

- **9/15 [M] – First Amendment: Methods of Control: Focus on Prior Restraint by Injunction, Licensing of Media (Broadcast and Cable Licensing) and Discriminatory Taxation**
  - READ: M&L, Ch. 3, pp. 70-90 (stop at “Content-Neutral Regulations”)
  - READ: FCC’s 2014 “Report on Ownership of Commercial Broadcast Stations,” pp. 1-17 (and just skim the appendices) at [https://apps.fcc.gov/edocs\\_public/attachmatch/DA-14-924A1.pdf](https://apps.fcc.gov/edocs_public/attachmatch/DA-14-924A1.pdf)
- **9/17 [W] – First Amendment: Corporate-Sponsored Political Speech and the Constitution – Ballot Propositions, Public Issues, and Elections**
  - READ: M&L, Ch. 7, pp. 281-301, stop at “Regulation of Political Candidate Broadcast...”)

## **Week 6:**

- **9/22 [M] – First Amendment: Commercial Speech and the Constitution: Defining “Commercial” Speech, and Regulation by Restrictions and Disclosure Requirements**
  - READ: M&L, Ch. 8, pp. 321-336 (stop at “Unfair and Deceptive Advertising”), and p. 375 (“Media’s Right to Refuse Advertising”)
  - READ: YOUM-PDF, pp. 708-712 (Section VII)
- **9/24 [W] – First Amendment: Commercial Speech, cont’d; and Review for First Exam**
  - READ: “Solving a Legal Hypothetical: Reasoning and Analysis” posted on Sakai

## **Week 7: First Exam this week**

- **9/29 [M] – FIRST EXAM TODAY**
- **10/1 [W] – Defamation Claims: Overview; and Identification and Publication Elements (and Immunity for Online Publishers for User-Generated Content)**
  - READ: M&L, Ch. 4, pp. 94-100 (stop at “The Plaintiff’s Burden of Proof”); pp. 109-115 (start at “Identification” and stop at “Fault”)
  - READ: NCMLH, *Libel* chapter (first part, then “Publication” and “Identification” sections)

## **Week 8:**

- **10/6 [M] – Defamation Claims, cont’d: Defamatory Communication (including Product Disparagement or Trade Libel) and False Assertion of Fact Elements**
  - READ: M&L, pp. 100-109 (start at “The Plaintiff’s Burden of Proof” and stop at “Identification,” pp. 141-143 (“Falsity” section))
  - READ: NCMLH, *Libel* chapter (“Defamatory Content” and “Falsity” sections)
- **10/8 [W] – Defamation Claims, cont’d: Fault Element – Public and Private Figures including: When are Companies Considered to be Public Figures in Libel Cases?**
  - READ: M&L, Ch. 4, pp. 115-132 (start at “Fault,” stop at “New York Times Actual Malice”)
  - READ: NCMLH, *Libel* chapter (“Fault” section – all)

## Week 9:

- **10/13 [M] – Defamation Claims, cont'd: Fault Element – Actual Malice and Negligence**
  - READ: M&L, Ch. 4, pp. 132-141 (start at "New York Times Actual Malice," stop at "Falsity")
- **10/15 [W] – Defamation Claims, cont'd: Damage/Injury/Harm Element; International Issues; and Working through a Libel Hypothetical**
  - READ: M&L, Ch. 4, pp. 143-146
  - READ: NCMLH, *Libel* chapter ("Injury" section)
  - READ: YOUM-PDF, pp. 681-686 (Section II)
  - READ: PDF HANDOUT: Practice hypothetical posted on Sakai

## Week 10:

- **10/20 [M]: Defamation Claims, cont'd: Key Defenses and Privileges**
  - READ: M&L, Ch. 4, pp. 147-171
  - READ: NCMLH ("Defenses" section)
- **10/22 [W] – Privacy Claims: Embarrassing Private Facts and False Light Publicity**
  - READ: M&L, Ch. 5, pp. 172-183 (stop at "Intrusion and Trespass")
  - READ: M&L, Ch. 5, pp. 203-211 (start at "False Light" and stop at "Commercialization")
  - READ: NCMLH, *Privacy* chapter (first two sections, and "False Light" and "Private Facts" sections)

## Week 11:

- **10/27 [M] – Privacy Claims, cont'd: Commercialization Claims**
  - READ: M&L, Ch. 5, pp. 212-223 (start at "Commercialization" and stop at "Emotional...")
  - READ: NCMLH, *Privacy* chapter ("Appropriation" section)
  - READ: "N.C.A.A. Must Allow Colleges to Pay Athletes, Judge Rules," Aug. 8, 2014, at <http://www.nytimes.com/2014/08/09/sports/federal-judge-rules-against-ncaa-in-obannon-case.html>
  - READ: Stanford University Libraries, Copyright and Fair Use, "When to Use a Release" in the context of using a person's name or image at <http://fairuse.stanford.edu/overview/releases/when/>
- **10/29 [W] – Regulated Financial Communications – Securities Law and Investor Relations**
  - NOTE: This material will be on the \*final exam but \*NOT the second exam next week.
  - READ: M&L, Ch. 8, pp. 379-396 (start at "Securities Transactions")
  - READ: "Laws that Govern the Securities Industry" at <http://www.sec.gov/about/laws.shtml>
  - READ: SEC guidance for using social media to disclose material nonpublic information at <http://www.sec.gov/litigation/investreport/34-69279.pdf> (April 2013)
  - READ: SEC "Guidance on the Testimonial Rule and Social Media" at <http://www.sec.gov/investment/im-guidance-2014-04.pdf> (March 2014)
  - READ: Other topical readings TBA

## Week 12: Second exam this week

- **11/3 [M] – SECOND EXAM TODAY (will cover "Defamation Claims" and "Privacy Claims")**

- **11/5 [W] – Advertising Regulation: FTC and Personal Data Privacy; FCC and Regulated Electronic Media including Children’s, Tobacco and (non-commercial) Political Ads**
  - READ: M&L, Ch. 8, pp. 364-375 (start at “Other Federal Regulations” and stop at “Self-Regulation”)
  - READ: M&L, Ch. 7, pp. 301-316 (start at “Regulation of Political Candidate Programming” and stop at “Lobbying”) (these regulations apply to non-commercial political ads)

#### **Week 13:**

- **11/10 [M] – Advertising Regulation: Unfair and Deceptive Advertising**
  - READ: M&L, Ch. 8, pp. 337-364 (stop at “Other Federal Remedies”)
  - READ: FTC “.com Disclosures: How to Make Effective Disclosures in Digital Advertising” at <http://www.business.ftc.gov/documents/bus41-dot-com-disclosures-information-about-online-advertising> (click on “PDF” to obtain free publication)
  - READ: FTC Guides Concerning the Use of Endorsements and Testimonials in Advertising” at <http://ftc.gov/os/2009/10/091005revisedendorsementguides.pdf>
  - READ: FTC FAQ’s about the Endorsement and Testimonial Guides at <http://business.ftc.gov/documents/bus71-ftcs-revised-endorsement-guideswhat-people-are-asking>
  - WATCH the FTC video on the Endorsement and Testimonial Guides at <http://business.ftc.gov/multimedia/videos/ftc-endorsement-guides>
- **11/12 [W] – Advertising Regulation, cont’d: Advertising Self-Regulation: Guest Speaker – James R. Guthrie, Senior Consultant, Council of Better Business Bureaus (tentative)**
  - READ: M&L, Ch. 8, pp. 375-379 (start at “Self-Regulation”)
  - READ: NAD and NARB cases TBD and TBA
  - READ: NCMLH, *Advertising Regulation* (entire chapter – read for overview of key areas of state advertising regulation in North Carolina)

#### **Week 14:**

- **11/17 [M]: Intellectual Property Law: Copyright – Protected Works and Rights**
  - READ: M&L, Ch. 6, pp. 233-253 (stop at “Infringement”)
  - READ: NCMLH, *Copyright* chapter (all)
- **11/19 [W] – IP Law, cont’d: Copyright, cont’d – Infringement and Fair Use**
  - READ: M&L, Ch. 6, pp. 253-271 (start at “Infringement” and stop at “Unfair Competition”)
  - READ: “Welcome to the Public Domain” at <http://fairuse.stanford.edu/overview/public-domain/welcome/>
  - READ: “Public Domain Trouble Spots” at <http://fairuse.stanford.edu/overview/public-domain/trouble-spots/>
  - READ: “Fair Use” at <http://fairuse.stanford.edu/overview/fair-use/> and be sure to scroll down and read the four subsections titled “What is Fair Use?,” “Measuring Fair Use: The Four Fair Use Factors,” “Summaries of Fair Use Cases,” and “Disagreements Over Fair Use: When are You Likely to Get Sued” – each of these sections is a hyperlink you must click.

#### **Week 15:**

- **11/24 [M] – IP Law, cont’d: Trademarks – Rights, and Infringement and Dilution Claims**
  - READ: WWW, Digital Media Law Project, “Trademark” available at <http://www.dmlp.org/legal-guide/trademark> (read that section and then each subsection under “Trademark” in the Table of Contents on the right side of the page)

- 11/26 [W] – Thanksgiving Holiday begins today

**Week 16: Classes end this week**

- 12/1 [M] – Access Law: What do advertising, public relations and strategic communication professionals need to know?
  - READ: M&L, Ch. 12 (all)
  - READ: NCMLH, *Access to Government Meetings* and *Access to State and Local Documents* chapters (all); and YOUM-PDF, pp. 699-708 (Section VI)
- 12/3 [W] – Media and the Judiciary: Prejudicial Publicity and Criminal Trials
  - READ: M&L, Ch. 10, pp. 447-492 (stop at “Contempt Power”)
  - READ: NCMLH, *Access to the Judicial Process* (all)

**FINAL EXAM**

**Section 03: Monday, December 8 from noon to 2 p.m. in CA 33**

**Please be sure to attend the correct final exam for your section!**

**Have a wonderful winter break everyone!**

**Congratulations and very best wishes to all of our graduating seniors!**

**My Notes:**

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