

**SCHOOL OF LAW****PAPER ONE****FINAL EXAMINATION:
JANUARY - APRIL SEMESTER****CODE: LLB 309****UNIT: FILM AND TV LAW**

INSTRUCTIONS:**TIME: 2 HOURS**

1. This Paper contains **FOUR (5)** questions out of which, you will answer three questions.
2. **QUESTION ONE** is Compulsory. It carries 30 Marks.
3. Marks will be awarded for clarity, illustrations, case law, and the ability to compare and contrast Media law in Kenya against other jurisdictions.

QUESTION ONE

“There are many ways in which you have experienced the dramatic changes in technology, in the practice of journalism, entertainment and advertising, in the visual environment itself, that together contribute to the labelling of the digital age”, Gross, L. et al “Image Ethics in the digital Age”.

Kenya’s law on Film and TV has been evolving. In 2014, Kenya migrated from analogue to digital television. The implementation was resisted by media players, but it was pushed through by the Ministry of Communications. The new Director General of Communications Authority and the new the Chief Executive Officer at the Kenya Film and Classification Board, have been invited to an induction briefing by the Cabinet Secretary.

Prepare a brief for the Cabinet Secretary on Film and TV law in Kenya. Your brief should cover colonial, independent and post the Constitution of Kenya 2010. (30 Marks)

QUESTION TWO

Film and Television production raises ethical concerns. Katz, J captures the ethical issues in his article “Family Film: Ethical Implications for Consent”. Considering this article,

- a) Discuss the legal and ethical issues raised in the treatment of the family in the context of the private made public. (10 Marks)
- b) Discuss moral responsibility issues raised in the Best Boy and Best Man Film as detailed in the above referred to article. (5 Marks)

QUESTION THREE

Your client, a Film and TV producer is working on a creative project. In working on this project, the producer has used video footage from Churchill Show. Churchill Show has instructed his lawyer to write to your client to demand “a cease and desist” action and to deliver up the offending materials. Churchill Show demands that your client stops producing, distributing, or selling his work.

Required

- a) Advise your client on appropriate copyright issues (7 Marks).
- b) Advise your client on the rights of the copyright holder. (8 Marks).

QUESTION FOUR

According to Joseph Conrad, in the “Heart of Darkness”, it was written that I should be loyal to the nightmare of my choice. In the recent past Kenyans have been invited to a discussion on agreements and contracts. There is a divided opinion on which of the two are binding. However, as a student of contract theory, you have been approached to assist. You are also reminded of the discussion in the Hispaniola case in (chapter 4, of the Creative Artist’s Legal Guide, Seiter, B & Seiter, E, 2012). In view of the above, advise on the legal issues arising with respect to Creative Industry (15 Marks).

QUESTION FIVE

Write short Notes on the following aspects of Film and TV law.

- i) Getting a Trademark in Film and TV Industry (5 Marks)
- ii) The case of *Dora v. Frontline video, inc* and *Downing Abercombie and Fitch* on publicity stunts (5 Marks)
- iii) The Importance of terms and conditions in uploading audio visual works on social sites (5 Marks)

END

