

Media and Entertainment

Honigman's Media and Entertainment Practice has a long history of excellence. For years, our Media and Entertainment attorneys have navigated the dynamic world of media and entertainment. Honigman's team of lawyers is dedicated to providing expert legal counsel with strategic guidance in the ever-evolving landscape of media and entertainment litigation and transactions. Our practice group has successfully counseled numerous creators through complex litigation disputes and helped clients break new ground in all forms of media transactions, including its production and distribution.

Our Media and Entertainment Practice is divided into two complementary subgroups, Litigation (Andrew Pauwels) and Transactions (Danielle Bass), thereby enabling efficiency in matter and cost management.

FIRST AMENDMENT DEFENSE PRACTICE

Honigman is the preeminent Michigan firm in First Amendment litigation and media representation. The practice is buttressed by J. Michael Huget and Leonard Niehoff who are highly regarded in this space nationally and have defended media organizations in hundreds of cases. The practice is complemented by several younger partners and associates with a deep knowledge of the subject, including Andrew Pauwels.

Honigman regularly counsels and advocates in a variety of matters, including pre-publication and broadcast review and news room issues. We also have years of experience in information access litigation such as litigation under the Freedom of Information Act and in defending against efforts to compel disclosure of sources and unpublished information.

In addition, we have successfully defended a wide range of broadcast and print and online publishers against lawsuits, including defamation, invasion of privacy and related claims.

Our attorneys have also served in leadership positions in significant professional organizations such as the National Defense Counsel Section of the Media Law Resource Center (MLRC) and on the Board of Governors of the Forum on Communications Law of the ABA. As a full-service business law firm, Honigman has experience in other areas of concern to publishers and broadcasters, including employment, breaches of talent agreements, advertising, and corporate law. We also have considerable experience in both broadcast and print acquisitions and dispositions.

Our First Amendment Defense experience includes:

- Defending print and broadcast media companies and their journalists in defamation and related litigation.
- Representing media clients in Freedom of Information Act and other access litigation.
- Counseling media clients regarding newsroom subpoenas and search warrants.

Media Litigation contact: Andrew Pauwels

ENTERTAINMENT AND MEDIA TRANSACTIONS

Our Entertainment and Media Transaction subgroup offers services to a wide range of clients, including record labels and music publishers, digital content creators and publishers, musicians, artists and athletes, as well as those looking to engage creatives. At Honigman, we understand that the media and entertainment industries are a complex tapestry of creativity, innovation, and business. Our seasoned team of attorneys brings together a deep passion for the arts and an unparalleled understanding of legal intricacies, making us your trusted partners in navigating the intersection of law and entertainment. Some of our services include:

- **Brand Representation and Licensing:** Drafting merchandising and endorsement agreements for athletes and celebrities, managing licenses for name, image, and likeness (NIL), and overseeing promotional deals.
- **Media Production and Distribution:** Advising content creators on publishing contracts, copyright protection, and digital distribution strategies for literary works, music (including, songwriting, production, and other recording arrangements) and video, as well as managing royalty and advance arrangements.
- **Event and Performance Negotiations:** Negotiating concert deals (including venue, ticketing, and concession agreements) and performing rights organization agreements and counseling offers to license.
- **Multi-Platform Content Licensing:** Handling licensing agreements for various platforms, including wearable devices, digital subscriptions, cloud-based computing, and providing platforms for digital music, video games, or video accessible via web or mobile devices.
- **Strategic Partnerships and Marketing:** Drafting and negotiating agreements for co-branded promotions, referral agreements, and content licensing for advertising and marketing.
- **Talent Management and Influencer Relations:** Negotiating management, agent, and talent agreements, as well as navigating and managing influencer relationships in the digital media space

Media Transactions contact: Danielle Bass

Representative Matters

- Represented Getty Images in a copyright infringement action brought by a photographer who took the famous photo of Heisman Trophy winner Desmond Howard striking the Heisman pose in the end zone the year he won the Heisman Trophy
- Represented Viacom, Inc., in a trademark infringement action brought by a couple alleging that Viacom's "Bubble Guppies," a Nickelodeon show, infringes upon their "Guppie" trademark
- Defended Twentieth Century Fox in a six-week copyright infringement trial involving allegations of movie script infringement
- Obtained dismissal and substantial sanctions award on behalf of major music publishing company accused of copyright infringement
- Obtained dismissal for Activision Publishing of injunction proceeding by a musical group alleging infringement of copyright and right of publicity in the use of "cover" recording of famous song in Activision's "Guitar Hero" video game

- Obtained summary judgment for Fox, Inc., and ABC Television Network of claim that television series infringed plaintiff's treatment for a similar television series; the court held that defendant's show was the product of "independent creation" and not copyright infringement
- Represented surviving members of a music group relating to copyright and trademark use
- Defended news outlets in a defamation and trademark litigation filed by subjects of investigative journalism reporting
- Represented an automotive marketing and data publisher in a patent infringement case filed by a non-practicing entity concerning computer software, successfully settling the matter within a few months of taking over the representation
- Represented the local affiliate Fox News station in state and federal defamation and invasion of privacy actions and obtained dismissals of the matters

SAMPLE MEDIA LITIGATION CASES

- Obtained dismissal of defamation action for defendant, *Kelly v. The Daily Beast Company, LLC, et al.*, U.S. District Court for the Western District of Michigan (2023)
- Obtained dismissal of defamation action for defendant, *Marcum v. Euclid Media Group et al.*, Oakland County Circuit Court (2022)
- Obtained dismissal of defamation action; *Todd Courser v. Detroit News, Inc. et al.*, Washtenaw County Circuit Court (2019)
- Obtained dismissal of defamation action; *Odis Jones et al. v. Scripps Media, Inc.*, United States District Court, Eastern District of Michigan (2019)
- Obtained dismissal of defamation action; *James Edwards v. Detroit News, Inc. et al.*, Michigan Court of Appeals (2017)
- Obtained dismissal as co-counsel of action against producers of the motion picture Drive; Michigan Court of Appeals (2018)
- Obtained dismissal of defamation action for defendant; *Todd v. NBC*, Wayne County Circuit Court (2014), affirmed Michigan Court of Appeals (2015)
- Obtained records from public university under Michigan Freedom of Information Act for national broadcaster; *ESPN v. Michigan State University*, Ingham County Circuit Court (2015)
- Obtained dismissal of defamation action for defendant; *Fitch v. WJBK*, Wayne County Circuit Court (2014)

SAMPLE ENTERTAINMENT LITIGATION CASES

The following are representative cases. A full list is available upon request.

- Represented Viacom, Inc., in a trademark infringement action brought by a couple alleging that Viacom's "Bubble Guppies," a Nickelodeon show, infringes upon their "Guppie" trademark
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