

## Media, Entertainment and First Amendment Newsletter, January 2021

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February 6, 2021 James Markus, Brent Beckert, David Bell, Jason Bloom

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**PRACTICES** Corporate, Media and Entertainment Litigation, Streaming Media, Private Credit Finance, Trademark and Advertising, Finance, Copyright, Intellectual Property, Media Entertainment and Sports

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### **Evolving Trends in the Production and Distribution of Streaming Media**

I can still remember the days when I listened to amazing music as records would spin on a phonograph. It also seems like a short time ago when we inserted a VHS tape to view our favorite movie. Times have definitely changed as the media and entertainment industry has evolved to meet the demands and desires of consumers in an expeditious manner with expanded content options. The media and entertainment industry has also been significantly affected by the “new normal” presented as a result of Covid-19. These trends and developments have several legal implications for both the production and distribution of media. It is best to prepare for what lies ahead to maintain business continuity and growth.

[Read more.](#)

### **After Months of Deadlock, Congress Extends Lifeline for the Arts and Entertainment Industry through the Shuttered Venue Operators Grant Program**

On December 27, 2020, President Trump signed the “[Consolidated Appropriations Act, 2021](#)” (the “**Omnibus Bill**”). Title III of Division M of the Omnibus Bill, titled the “Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act” (“**Title III**”) contains not only important enhancements for existing and potential borrowers in the Paycheck Protection Program (“**PPP**”), but it has also added new relief programs. Among these new programs, the Grants for Shuttered Venue Operators program (the “**Shuttered Venue Grant Program**”) was created pursuant to Section 324 of Title III.

[Read more.](#)

### **Significant Changes to U.S. Trademark and Copyright Law Included in Latest Coronavirus Relief Legislation**

On Sunday, December 27, 2020, President Trump signed into law a COVID-19 relief and government spending bill entitled the “Consolidated Appropriations Act, 2021.” Within its nearly 5,600 pages are significant new trademark and copyright provisions unrelated to either the coronavirus or the funding of the government. For trademark owners, the legislation incorporates the Trademark Modernization Act of 2020, H.R. 6196, likely the most significant trademark legislation since the Lanham Act’s enactment nearly 75 years ago. It will change trademark practice in several ways, including: (i) providing a statutory rebuttable presumption of irreparable harm to benefit brand owners in trademark litigation; and (ii) creating new expungement and reexamination

proceedings before the United States Patent and Trademark Office (USPTO) to more efficiently remove unused marks from the registry.

[Read more.](#)