**THE IMPORTANCE OF LEGAL PRACTITIONERS IN THE ENTERTAINMENT INDUSTRY**

The duties of a legal practitioner go beyond the four walls of the court room and their importance to human interactions cannot be over emphasized. More often than not, people neglect to consult lawyers before they enter into contractual agreements and will after the fact say, “what have I signed?” The fact is that, it is cheaper to consult a lawyer before signing any documents than employing one after issues arise from the contract.

**WHAT IS A CONTRACT?**

It is important to note and define what a contract is for the sake of clarity. A contract is defined as an agreement which the law will enforce or recognize as affecting the legal rights and duties of the parties. It can also be defined as a promise or set of promises the law will enforce.[[1]](#footnote-1)The law recognizes the need for the satisfaction of reasonable and well-founded expectations created by promises and agreement; this is to ensure order, peace and security, and also the smooth and efficient operation of commerce, industry and the economy.[[2]](#footnote-2)

Entertainment can be regarded as any activity designed to create amusement, fun and relaxation. Entertainment law spreads across various areas of law like contract, intellectual property, labour law, finance, tax and business association which an entertainer must have knowledge of for smooth and successful career in the industry.[[3]](#footnote-3) This article is not going to dwell on the various areas of law listed above but will explain in details the value legal practitioners add to the industry. While there is no specific legislation which regulates entertainment law in Nigeria, there are various legislations which regulate various aspects of the entertainment industry.

There have been several instances where artistes have issues with their management team and protest the contracts signed by both parties, this usually creates a problem between the artists and their management team or record label which majority of artistes are likely not to survive. On the other hand, management companies are caught unaware when artistes withdraw from the contracts signed without giving prior notice as expected or following the due process a required by law. It is apparent that legal practitioners are needed by all parties and this article aims to discuss the role to be played by legal practitioners in the industry.

An entertainment lawyer is well-versed in a variety of practice areas. With so many possible problems and opportunities that the entertainment world is faced with, it’s important for a lawyer to fully understand the scope of the deals he or she is working on.[[4]](#footnote-4) An entertainment lawyer ensures that the contracts signed by the parties are fair, most especially for his or her client. Below I will highlight and explain the major roles played by legal practitioners in the entertainment industry.

1. Entertainment lawyers review contracts from managers, record labels, film studios etc. to make sure they are in accordance with the laws and also ensure that the terms of the contract fair and beneficial to their clients.
2. It is no insult that it can be hard for a layman to understand contractual terms drafted in legal dictions hence the need for a lawyer to breakdown the terms in the contract for his/her Client to understand and identify pitfalls as well as the legal consequences attached to the contracts.
3. Entertainment lawyers offer legal advice to their clients (either the record label or artiste) to avoid legal issues.
4. Entertainment lawyers negotiate contracts on behalf of their clients and advise artistesabout business deals and also protect the creative rights of their clients.
5. There are lots of regulations that guides the entertainment industry, entertainment lawyers ensure that their client is in compliance with these regulations.
6. They institute actions in court for copyright infringement, trademark infringement, breach of contract and also attend meetings on behalf of their clients.
7. It is advisable that litigation should not be the way to go for artistes in settling disputes, hence the entertainment lawyer helps resolve disputes through alternative dispute resolution techniques available.
8. The lawyer facilitates and negotiates distribution deals for entertainment projects and also financing agreements for sponsorships together with co-production investments.
9. They help the artiste secure the necessary rights while sampling or using another artiste’s work so that they don’t go against the copyright act.

Note that the principles of contract, employment and labor law spells out the obligations of each party to the contract and bind them. Though the parties are free to enter into general contracts, it is important for them to know the legislation and principles regulating each entertainment activity in order to prevent them from making a void or unenforceable contract as well as to avoid entering unfavorable contracts.

In conclusion, know that *ignorantia juris non excusat- ignorance of the law is not an excuse.* This holds that an artiste who is unaware of the law may not escape liability for violating that law merely because one is unaware of its existence. A Court of law will not interfere with terms of contract freely entered into by parties; the attitude of the courts towards contracts is that parties are bound by the terms contained in their contract agreement without any subdivision or addition. The court has no power to rewrite for them their contract. That being said, a Court of law will look into such terms if they appear unfair.[[5]](#footnote-5)

It is therefore pertinent that individuals who are or want to be involved in the entertainment industry should contract the services of legal practitioners, so as to ensure smooth running of the business.

1. Treitel, The Law of Contract (5th ed., 1979) Nigerian Law of Contract:Sagay [↑](#footnote-ref-1)
2. Nigerian Law of Contract: Sagay [↑](#footnote-ref-2)
3. Airende Uwa, “*The Law and Entertainment In Nigeria”,* Manifield Solicitors. <https://www.manifieldsolicitors.com/2018/08/20/the-law-and-entertainment-in-nigeria> [↑](#footnote-ref-3)
4. Gordon Firemark, “*What Does An Entertainment Lawyer do?”, June 20th 2012.* <https://firemark.com/2012/07/20/what-does-an-entertainment-lawyer-do-part-i/> [↑](#footnote-ref-4)
5. Babatunde V Osun State College of Education (6) 2020 1NWLR (pt 1705) @344. CA. [↑](#footnote-ref-5)