



University of Houston Law Center
AND
the University of Houston Law Alumni Association

PRESENT

THE LAW AND BUSINESS OF ROCK AND ROLL

FEATURING

MICHAEL A. OLIVAS

UH Law Center Distinguished Professor
Rock and Roll Aficionado

WEDNESDAY, FEBRUARY 29, 2012

THE ARMADILLO PALACE
5015 KIRBY DRIVE

3:00 pm: 2.0 hour CLE presentation pending
5:00 pm: Happy Hour

**Tune in to the UH Law Center's combination
of law, CLE and rock and roll!**

A LIFELONG AFICIONADO OF ROCK AND ROLL, Michael A. Olivas has written about the subject and follows its developments. Olivas, along with other music industry lawyer-experts, will review **BUSINESS ISSUES**, including contract disputes; **REGULATORY TOPICS**, including obscenity ordinances; **INTELLECTUAL PROPERTY** concerns, including litigation over ownership of songs and judicial notice of lyrics, including clever use of songs in written opinions. A comprehensive visual and musical overview is in store, including a detailed bibliography.

Also presenting: Yocel Alonso '85

*Former Chair, Texas and Houston Bar Association Entertainment & Sports Law Sections
Adjunct Professor of Entertainment Law, UH Law Center*

Cover: \$30 includes two hours CLE (pending),
food and drinkables

To register, email lawalumni@uh.edu.

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Olivas kicks out the jams

UHLC professor explores the law and business of rock and roll.

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March 1, 2012 -- University of Houston Law Center Professor Michael A. Olivas rocked the house Wednesday with a tutorial on the legal world of rock and roll as well as his encyclopedic knowledge of the music industry and its stars. A lifelong fan and serious student of rock and roll since he snuck off as a youth to see Little Richard in concert, the legal scholar was clearly in his element regaling a CLE audience with equal parts music law and lore.

Olivas opened with a little history, tracing the birth of rock and roll to the late '40s or early '50s with all roots leading to and from Mississippi. Determining actual paternity is difficult, he said, with legitimate claims pressed by many, including Ike Turner and his band with *Rocket "88"* in 1951 and Bill Haley and the Comets with *Rock Around the Clock* in 1954. The music itself, Olivas said, is an amalgam of blues, rockabilly, country, boogie-woogie, gospel, jazz, juke, doo-wop, and even big band. "It was the people's rough and tumble music," he said. The professor even provided a road map to the monuments of rock and roll from the opulent rooms of Graceland to the dirt floored basement of a house not far from downtown Detroit where Motown artists recorded their classic hits. Olivas has made pilgrimages to most of these sacred sites.

The history and show biz tidbits, accompanied by a sound and slide show that was only occasionally in sync, were interspersed among legal insights to the music industry past, present, and future.

"Because of the way music is delivered these days, the law simply can't keep up," Olivas told his audience at the Armadillo Palace, a Texas music venue on Kirby Drive. The old system of tracking royalties through radio station playlists, juke box tallies, trust and honor codes that was relied on for 50 years has broken down, he said. He compared today's illegal downloading of music to the earlier practice of unscrupulous producers getting eager, naive, and sometimes illiterate, teen-agers to sign away rights to their music. In both cases, the artists are the losers. Though today's standard contracts have gotten better, he said, artists must be careful to protect their rights. "When these groups start out, who thinks they will ever be involved in ringtones," he said of the often lucrative peripheral to hit songs. And then there is the proliferation of camera phones which can record a live concert and have it posted on YouTube within a matter of minutes. Exposure through social media, even though unpaid, is not a bad thing, he said, and many artists encourage it as a means of generating a "buzz" about their work which can pay off down the road.

Olivas touched on a number of other common legal issues, including noise ordinances ("You cannot listen to ZZ Top at low volume and should not want to do so"), identity lawsuits, disputing who and how many members constitute an "original" group and give them the right to use the name (Olivas said the Rolling Stones are the only group he knows of that still has enough original members after 50 years to legitimately claim the name), and copyright violations with websites printing lyrics, notes and other material and even showing copyrighted dance steps, ("Ask a kid under 20 what public domain means and he will say Google").

Olivas and fellow music aficionado Yosel Alonso, an adjunct professor at UHLC and entertainment law specialist, agreed the new business model for rock and roll performers is to "own everything; keep your rights" so they can cash in on ancillary merchandising as their star rises. Delivery options have changed and laws are still being sorted out, but the key now, as it was years ago, is to retain all rights. They pointed to Jimmy Buffet who didn't have a hit song for years, but parlayed a niche following into development of bars, restaurants and all sorts of merchandizing. Similarly, Van Morrison has earned millions for a ringtone of his

song *Gloria*, a hit in 1965. And the Grateful Dead were trendsetters, playing to loyal crowds of the faithful and allowing them to tape and trade bootlegs, but cleaning up with T-shirts and anything else they could put their name on. Song royalties and even concert gates may prove secondary to sales of T-shirts, memorabilia, advertising, and franchising, they said.

Olivas discussed celebrity lawsuits (Creedence Clearwater Revival's John Fogerty was sued for "self-plagiarism" when he performed altered lyrics to his own songs during a contract dispute; Jim Croce's widow won a wrongful death suit when an airline claimed it was not liable for his death in a crash because he was committing a criminal act by transporting marijuana, a small amount in his pocket; and a "failure to perform" suit against Aretha Franklin who simply didn't feel like showing up for a performance). But with all his rock and roll knowledge, he did not claim to know the "real" words to *Louie Louie*, and cannot understand people who listen to ABBA.

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