

ENTERTAINMENT AND MEDIA LAW

DU LLM in International Law - Academic year 2025-2026

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Dates:

- Wednesday May 6 (6 pm – 8 pm, **REMOTE**)
- Wednesday May 13 (6 pm – 8 pm, **REMOTE**)
- Saturday May 16 (10 am – 1 pm, **REMOTE**)
- Wednesday May 20 (6 pm – 8 pm, **REMOTE**)
- Wednesday May 27 (6 pm – 8 pm, **REMOTE**)
- Saturday May 30 (10 am – 1 pm, **ON CAMPUS/HYBRID**)
- Final written exam **Friday 5 June at 7 pm** (7 pm – 8 pm, **REMOTE**) – to be confirmed with the students by April 2026

COURSE DESCRIPTION

The course focuses on both International Trade Law and International Law on Culture. It will examine and reflect upon international trade agreements, as well as UNESCO treaties in the cultural field, which may impact on the international regulation of cultural actors, with emphasis on media and entertainment services providers. Emphasis will be placed on the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which deals with cultural industries and cultural goods and services, including in the digital economy.

Upon completion of this course, students are expected to demonstrate their ability to:

- Understand and interpret international trade agreements.
- Interpret cultural exception clauses in trade agreements.
- Understand how International Trade Law impacts media and entertainment service providers, including in the digital era.
- Understand UNESCO treaties in the cultural field, and notably the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

GRADES

Grades will be based 50% on 1 written evaluation and 50% on class participation (including a presentation in class).

N.B.: In case of an attendance exemption, you will still need to connect to do your presentation.

STRUCTURE OF THE COURSE

The course will consist of 6 online sessions, 1 session on campus and a 1-hour written (online) evaluation.

GENERAL GUIDANCE

- In preparation for each class:
 - o All students are expected to read the texts and to examine the international legal instruments recommended for each class as “Required readings”; and
 - o *Complementary readings are to be examined by the students in charge of a specific topic of presentation.* Students are *also* expected to conduct their *own research* to prepare their presentations.
 - Reading assignments may be adjusted with prior notice.
 - The classes will mix lecture, discussion, and debate, but have as their main objective to allow reflection and discussion with and among the students.
 - Presentations by each student should *not* exceed 10 minutes.
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COURSE SCHEDULE
1st session (06/05/2025 6 pm – 8 pm, online): Introduction - International Trade Law and cultural diversity concerns
Required readings

- Revision of the European Audiovisual Media Services Directive (AVMSD)
<https://ec.europa.eu/digital-single-market/en/revision-audiovisual-media-services-directive-avmsd>.
- Revised European Audiovisual Media Services Directive (AVMS) – Consolidated text
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02010L0013-20181218>.
- Council of Europe Convention on Cinematographic Co-production (revised) (Rotterdam, 2017)
<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/147>,
<https://www.coe.int/en/web/culture-and-heritage/cinematographic-coproduction>, and
<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/220>.
- Declaration of the 2022 UNESCO World Conference on Cultural Policies and Sustainable Development – MONDIACULT-2022/CPD/6
https://www.unesco.org/sites/default/files/medias/fichiers/2022/10/6.MONDIACULT_EN_DRAFT%20FINAL%20DECLARATION_FINAL_1.pdf.

2nd session (13/05/2025 6 pm – 8 pm, online): Cultural goods and services in the WTO
Required readings

- WTO Services Sectoral Classification List
https://www.wto.org/english/tratop_e/serv_e/serv_sectors_e.htm.
- The General Agreement on Tariffs and Trade (GATT 1947)
https://www.wto.org/english/docs_e/legal_e/gatt47_01_e.htm.
- The General Agreement on Trade in Services (GATS)
https://www.wto.org/english/docs_e/legal_e/26-gats_01_e.htm.
- WTO Dispute settlement chart
https://www.wto.org/english/tratop_e/dispu_e/dispu_settlement_cbt_e/c6s1p1_e.htm.

Complementary readings for presentation (2 presentations)**TOPIC 1** Canada – Periodicals case

- WTO Appellate Body report - Canada — Certain Measures Concerning Periodicals (DS31) https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds31_e.htm.
- C. Carmody (1999) “When ‘Cultural Identity was not an issue’: thinking about Canada - certain measures concerning periodicals”, in *Law and Policy in International Business*, Winter 1999, vol. 30, n° 2, 1999, pp. 231-320 (see Moodle).

TOPIC 2 China – Publications and Audiovisual Products case

- WTO Appellate Body report - China — Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products (DS363) https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds363_e.htm.
- S. Van Uytsel (2014) “The CDCE and the WTO – in search for a meaningful role after China-Audiovisuals”, in L. Richieri Hanania, *Cultural Diversity in International Law: The Effectiveness of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, London/New York, Routledge, pp. 40-53 (see Moodle).

3rd session (16/05/2025 10 am - 1 pm, online): Cultural services in bilateral and regional economic and trade agreements**Required readings**

- L. Richieri Hanania (2019) “Trade, culture and the European Union cultural exception”, *International Journal of Cultural Policy*, 25:5, 568-581, DOI: 10.1080/10286632.2019.1626844 (see Moodle).
- L. Richieri Hanania (2012) “Cultural Diversity and Regional Trade Agreements: The European Union Experience with Cultural Cooperation Frameworks”, *Asian Journal of WTO & International Health Law and Policy*, vol. VII, n. 2, Sept. 2012, pp. 423-456 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2087639.

Complementary readings for presentation (3 presentations)**TOPIC 1** Audiovisual services under trade agreements negotiated by the United States – perspectives for the digital audiovisual content

- US-Chile Free Trade Agreement (FTA) (2003) <https://ustr.gov/trade-agreements/free-trade-agreements/chile-fta/final-text>.
- Canada-United States-Mexico Agreement (CUSMA) (2020) <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/cusma-aceum/text-texte/toc-tdm.aspx?lang=eng>.

TOPIC 2 The Canadian cultural exception for cultural industries

- Consolidated CPTPP (2018) *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* <https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/tpp-ptp/text-texte/toc-tdm.aspx?lang=eng>.
- EU-Canada CETA (2016) *Comprehensive Economic and Trade Agreement between Canada, of the one part, and the European Union and its Member States, of the other part*. 2016 <http://ec.europa.eu/trade/policy/in-focus/ceta/ceta-chapter-by-chapter/>.

TOPIC 3 EU Cultural Cooperation Frameworks

- European Union (2011) “*Protocol on Cultural Cooperation*” in the Free trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part OJ L 127, 14 May 2011.
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2011:127:FULL&from=EN>.
- European Union (2008) “*Protocol III on Cultural Cooperation*” in the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, on the other part OJ L 289/3-1955, 30 October 2008
https://eur-lex.europa.eu/eli/agree_international/2008/805/oj.

4th session (20/05/2025 6 pm – 8 pm, online): Cultural rights and the legitimacy of cultural policies, including in the digital age**Required readings**

- *International Covenant on Economic, Social and Cultural Rights*, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.
- 2001 UNESCO Universal Declaration on Cultural Diversity
<http://unesdoc.unesco.org/images/0012/001271/127162e.pdf>.
- 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage
<https://ich.unesco.org/en/convention>.
- 2005 UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions
<https://en.unesco.org/creativity/convention/texts>.

Complementary readings for presentation (2 presentations)**TOPIC 1** The right of everyone to take part in cultural life – how may it affect trade agreements?

- UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment n° 21, Right of everyone to take part in cultural life* (art. 15 para. 1(a) of the International Covenant on Economic, Social and Cultural Rights)
<http://www.refworld.org/docid/4ed35bae2.html>.

TOPIC 2 The 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and the 2005 UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions – distinctions and complementarity

- 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage
<https://ich.unesco.org/en/convention>
- 2005 UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions
<https://en.unesco.org/creativity/convention/texts>

5th session (27/05/2025 6 pm – 8 pm, online): International Law on Culture and the exchange of cultural goods and services in the digital context

Required readings

- L. Richieri Hanania and A.-T. Norodom (2016) “Introduction”, in L. Richieri Hanania and A.-T. Norodom (eds.), *Diversity of cultural expressions in the digital era*, Teseo <https://www.teseopress.com/diversityofculturalexpressionsinthedigitalera/>.
- L. Richieri Hanania (2015) “The UNESCO Convention on the Diversity of Cultural Expressions as a Coordination Framework to promote Regulatory Coherence in the Creative Economy”, *The International Journal of Cultural Policy*, DOI: 10.1080/10286632.2015.1025068, pp. 1-20.
- Video by Octavio Kulesz (2016) “Challenges and Opportunities for Cultural Diversity in the Digital Era” <https://www.youtube.com/watch?v=0kt87FjSeCA&t=2s>.

Complementary reading for presentation (1 presentation)

TOPIC 1 The discoverability of diversified cultural content online

- M. Burri (2016) “Exposure diversity as a new cultural policy objective in the digital age”, in L. Richieri Hanania and A.-T. Norodom (eds.), *Diversity of cultural expressions in the digital era*, Teseo <https://www.teseopress.com/diversityofculturalexpressionsinthedigitalera/>

*** Special participation online of Mr. Guillaume Prieur, Director of Institutional and European Affairs at the French Coalition for Cultural Diversity**

6th session (30/05/2025 10 am – 1 pm, on campus/hybrid): The exchange of cultural goods and services in the digital context (Cont.), Review and Conclusions

Required reading

- UNESCO (2025) Recommendations of the Reflection Group on the diversity of cultural expressions in the digital environment, https://unesdoc.unesco.org/ark:/48223/pf0000392215_eng.

Complementary readings for presentation (2 presentations)

TOPIC 1 Cultural and creative industries in the digital environment

- Ochai, Ojoma (2022) “New opportunities and challenges for inclusive cultural and creative industries in the digital environment”, in UNESCO, *Re|shaping Policies for Creativity – Addressing culture as a global public good*, <https://unesdoc.unesco.org/ark:/48223/pf0000380474>.

TOPIC 2 Artificial Intelligence, ethics, and culture

- UNESCO, 2021 Recommendation on the ethics of artificial intelligence, <https://unesdoc.unesco.org/ark:/48223/pf0000380455>.

+ Review of questions before written exam.