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ARTICLES

Facing the Future: An Analysis of the Television Ratings System

Michael J. Fucci 1

After decades of discussions and regulatory reform, the current television rating system took effect on October 1, 1997. It requires television programmers to display both an age-based rating and a symbol signifying program content and has been a continuing subject of criticism. Industry officials denounce it as an unconstitutional infringement upon freedom of speech and parental groups find the symbols confusing, but still contend that they provide insufficient information about program content. Thus, further reform is essential. A successful television rating system must simultaneously provide parents with more content information, be easily understood, and address broadcasters' free speech concerns. This Article proposes such a system. It is similar to the Canadian system, which requires individual ratings on a scale of 1-5 for the language, sexual content, and violence of a particular program. The author's proposed plan would improve upon the Canadian system by simplifying the method by which parents can program their rating preferences, allowing parents to select alternative ratings for educational programs and using clearer symbols. The author argues that because his system is similar to the current U.S. movie rating system and provides great flexibility in programming, it will be more acceptable to parents and less threatening to broadcasters

"Creepings" and "Glimmers" of the Moral Rights of Artists in American Copyright Law

Brian T. McCartney 35

Do artists enjoy moral rights under American copyright law? This article addresses this questions and finds that there are "creepings" and "glimmerings" of the *droit moral* (moral right) in American copyright law, but not nearly as comprehensive as their European counterparts. The author first reviews the history of the *droit moral* in the copyright law of various European countries and the United States Congress' belief that U.S. federal and state law sufficiently provide such moral right protection to American artists. Through his analysis of federal and state cases and statutes that attempt to either recognize or reject elements of the *droit moral*, the author challenges this belief and concludes that American copyright law contains only hints of moral rights for artists.

COMMENTS

Applicability of the Digital Performance Right in Sound Recordings Act of 1995

Derek M. Kroeger 73

The Digital Performance Rights in Sound Recordings Act of 1995 created several new rights for copyright owners, but also produced a variety of questions and concerns regarding its application. This Comment enumerates many of the numerous contexts in which the law now has effect. For example, music samples available over the Internet are regulated by the Act only if certain conditions are met. The author also offers a step-by-step analysis of one activity that is presently regulated in order to illustrate the benefits and limitations of the Act as it is applied currently. Ultimately, the Act has consequences for both suppliers and consumers of sound recordings and due to rapidly developing technology, it is certain to become hotly contested in the very near future.

Punt or Go For the Touchdown? A Title VII Analysis of the National Football League's Hiring Practices for Head Coaches

Jim Moye 105

This Comment argues that African-American coaches in the National Football League may have legitimate claims against the League under Title VII of the Civil Rights Act of 1964. Such claims would arise out of the hiring and promotion practices employed by NFL member teams in filling head coach vacancies. The author offers an analysis of the type of claims that could be brought, including claims of disparate treatment and disparate impact. The Comment also examines several recent hiring decisions and highlights their vulnerability to a Title VII challenge.

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