UCLA ENTERTAINMENT LAW REVIEW

Volume 4 Issue 1 Fall 1996

ARTICLES

Drawing the Line Between Personal Managers and Talent Agents: *Waisbren v. Peppercorn*

In California, talent agents are regulated by the Talent Agency Act. Under this act, talent agents are defined as those who engage in the "occupation of procuring employment" for artists. However, until recently, there was doctrinal uncertainty as to the extent personal managers could also seek employment opportunities for their clients without falling under the ambit of the act.

This Article analyzes the recent case of *Waisbren v. Peppercorn* and its implications to the entertainment field. Under *Waisbren*, personal managers may not engage in even limited efforts to procure employment for a client-artist without subjecting themselves to the regulatory and licensing requirements of the Talent Agency Act. However, the *Waisbren* decision excludes the California Labor Commission from regulating personal managers who avoid employment procurement activities.

COMMENT

Rebirth and Rejuvenation in a Digital Hollywood: The Challenge Computer-Simulated Celebrities Present for California's Antiquated Right of Publicity

Celebrities have always been concerned with controlling unauthorized uses of their images. In California, celebrities have traditionally enjoyed certain protections under both state common law and state statutory "right to publicity" doctrines. However, as increasing advances in technology have made computer-simulations of a celebrity's image more realistic, more affordable and more prevalent than ever before, this doctrine no longer provides adequate protection against the exploitation of the images. This Comment traces the right of publicity doctrine from its origins in common law to privacy actions. It then applies the present incarnation of the doctrine, as embodied in both California statute and common law, to two hypothetical scenarios involving the use of computer-generated celebrity images in modern movies. It concludes by advocating the expansion of the right of publicity, to give celebrities maximum control over both the *inter vivos* and *post-mortem* uses of their images.