



You're Getting Sued for What? An E&O Odyssey (Pt 1)

September 8, 2011 by [Bob Tarantino](#)

As has been mentioned on this blog numerous times, the "clearance" process for obtaining "errors and omissions" (E&O) insurance for film and TV projects can sometimes be an arduous, frustrating process for both producers and their lawyers. Producers are often frustrated by the seemingly arbitrary or heavy-handed decisions made by their lawyers to cut, obscure or otherwise modify materials appearing on-screen which the lawyer fears could run afoul of the E&O policy's clearance guidelines which stipulate that no copyrighted or trade-marked materials can appear on-screen without some kind of written permission. This post is the first in an occasional series which aims to demonstrate that what might seem to a producer to be paranoia on the part of their lawyer is, in fact, well-founded (even paranoids have enemies, goes the saying). These posts will point to actual lawsuits which have been filed against film/TV producers for copyright or trade-mark infringement - and which inform the nit-picking approach taken by producer's counsel.

As first reported by Eriq Gardner at *THR, Esq.*, the producers of the MTV show "The Real World" have been sued for failing to blur out video images of "shadow dancers" who were visible in the background of scenes filmed in bars/clubs in New Orleans and broadcast in two different episodes of "The Real World" (['The Real World' Sued for Failing to Blur 'Shadow Dancers'](#)). For anyone who is unclear on what a "shadow dancer" is, the [official Shadow Dancers website](#) should provide all the clarification which is required. A copy of the complaint filed in US federal court [is available here](#).

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