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## Doron F. Eghbali Entertainment Law

### [Can An Artist Refuse Credit?](#)

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One of the conundrums confronting up-and-coming and even relatively established artists is that the movie or music may not conform to their "reasonable" expectations after editing. Thus, such artists may long to minimize any association with the end-product or remove or "revise", to the extent possible, the "unsatisfactory" segments. Let us explore this important subject further and ascertain whether an artist can and how to refuse credit.

#### **SOME BACKGROUND ON THE SIGNIFICANCE OF CREDITS**

Seeking "appropriate" credit by artists constitutes building and establishing one's reputation in hopes of securing projects with better economic rewards. Nonetheless, sometimes, artists notice the end project is not what they were promised or "reasonably" expected. Artists intelligently and insightfully realize the significance of credits. Credits in artist's portfolio resemble currency with which artist is artistically and financially measured. Such currency could be of little or no value if it does more harm to the artist's long-term objectives. Then, the question arises what an artist can do in such circumstances?

#### **SOME BACKGROUND ON WHETHER AN ARTIST CAN REFUSE CREDIT**

**1. NO RIGHT TO REFUSE CREDIT ON THE WHIM OF THE ARTIST:** This is extremely important to note, unless right to subjectively refuse is reserved in a contract, an artist cannot merely refuse credit because the end product is unsatisfactory to the artist's taste.

**2. NO RIGHT TO REFUSE CREDIT, *EVEN IF RESERVED IN WRITING*, UNLESS CONDITIONS MET:** This is extremely important to note, even if the artist has a right in the contract, such right might not be of use to refuse credits, unless the following conditions have been met:



- **Not Reflection of Artist's Contributions:** The work does not accurately describe the artist's contributions. AND,
- **Not Helpful to Artist's Reputation:** The work *offers* potential harm to artist's reputation.

## CAVEATS

- **RESTRICT OR PREVENT DISTRIBUTION OF THE WORK:** Depending on the severity of the harm to reputation and degree of culpability, these principles could be used to restrict or prevent distribution of the work in question.
- **REMOVE THE CREDIT:** Probably, lesser degrees of harm or culpability may justify the removal of the credit.

## SOME COMMON SITUATIONS FOR REMOVAL OF CREDIT

**1. EDITING AFTER THE ARTIST'S PERFORMANCE:** Probably, one of the most common situations where an artist might desire to refuse credit is when the artist realizes after editing the work is not what he was promised or "reasonably" expected. With regard to such situations, there are some salient observations:

- It has been held "substantial" cutting or alteration creates a situation of misrepresentation. While, "minor" changes may be allowed as being customary in the industry. Nonetheless, what is "substantial" and what is "minor" could be the subject of litigation.

**2. MARKETING RATHER "UNGLAMOROUS" PORTFOLIO OF ARTIST:** Probably, the other situation for removal of credit is when an owner of artist's works seeks to monetize the artist's reputation by marketing the artist's portfolio from the early days when such portfolio was not "marketable". This scenario may occur with respect to "unreleasable" film or financially unsuccessful music.

- The marketer or the owner of rights might listen to the artist if the marketer confronts principles of "unfair competition" or seeks to avoid controversy with the artist.

## SALIENT OBSERVATION

This article in no way supplants analysis of facts and law in each particular situation and in no way serves as legal advice. In fact, this article *NARROWLY* provides only *SOME* aspects of this important subject.

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