

Interview: Brett Oaten

Jessica Norgard, Senior Legal Counsel at nbn, delves into the glamorous world of media and entertainment law with **Brett Oaten**, Principal Solicitor/Founder at Brett Oaten Solicitors. Having started his own media and entertainment firm at the ambitious age of 27, Brett Oaten has gone from strength to strength and now represents some of the most prominent artists, labels and events nationally and internationally. Despite not being able to play a note himself, his love for the music industry emanates through the computer screen and it's clear that this passion fuels both his work and outside life.

JESSICA NORGARD: You started your own specialist media and entertainment practice in 1992 - tell us about what inspired you to start your own firm, and a little bit about the practice?

OATEN: I've always been an almost obsessive music fan. When I was a young lawyer at Baker McKenzie I started writing for the street press and other magazines, and then started managing artists where I learnt a lot about the music industry. That's where I decided that I really enjoyed the intersection between these two areas so I tried to get a job with entertainment firms at the time. When none was interested, I decided to open my own firm (at 27) – which, in retrospect, is a bit mad!

To a large degree there is no such thing as thing as “entertainment law”. There is very specific commercial knowledge about how record deals, royalties and film distribution arrangements work, but really what you are is a general commercial lawyer who deals with a particular type of client. The main types of law we advise on are intellectual property, contracts, employment, brand protection, and deal /agreement work but given our clients are mainly in the music, film or TV areas, there are also a number of important artistic sensibilities to navigate and cater to as a lawyer.

There is less magic to it than many people think, but given you are often working with people who would prefer not to have a lawyer you've really got to present the advice in a way that is helpful and adds to their business. You need to help them navigate the tricky landscape given that most artists don't pursue arts to be a business person.



The firm is an entertainment and media firm which houses 10 lawyers and works across music, film, TV, general personality work, advertising, media, start up and tech work. Our clients tend to be creative industries of one kind or another. We do not do any litigation. It's typically not as glamorous as some people seem to think, but I really like it.

NORGARD: Appreciating that “typical” is a bit of a misnomer in a world dictated by urgent client needs, what does a typical day at the “office” look like?

OATEN: I tend to get to work very early and put some time into working out a to-do and priorities list. Even if those lists get blown out quickly, it's a very useful exercise. I'm the sole Principal of the firm so I spend about 70% of my time doing legal work and the remainder “running the business”. I spend a lot of time on the phone to clients getting instructions and having strategic conversations, preparing advices and documents and then

keeping in touch with the other lawyers to see what they are working on and helping them move forward on matters. I've always tended to get in early and leave early to be home for family time, and for a long time, in non-pandemic years, I've worked four days per week.

NORGARD: What do you consider to be some of the most interesting aspects of your role?

OATEN: I really like that the work is varied and changing all the time. I've run this practice for a long time and no year has ever felt like the year before. I work with an incredibly diverse list of clients some of whom are very sophisticated users of legal services and some who have almost zero interest in talking to lawyers. I really love working with my colleagues and seeing them develop and playing a part in that. Initially I set up my firm to do work that I really wanted to do. In the later part of my career, the thing I've enjoyed the most is that I have the flexibility to run my life how I want to run it.

NORGARD: What important developments do you see as being on the horizon for the entertainment and media legal landscape?

OATEN: I don't really know what the developments will be in the legal landscape – the black letter law is quite a small part of my day job. In terms of the commercial sphere – the last 20 years have seen huge developments from the decline of CDs to the Napster/illegal file sharing era to the streaming era, so I'm sure that there will continue to be incredible technological developments that provide more ways for artists to present themselves and monetise their career. Our job is to be on top of and understand these developments so that we can help clients maximise those opportunities. It's interesting and varied and incredibly satisfying. I'm really interested in music and the music industry so staying on top of those developments comes naturally

to me. I'm a big reader and read as much industry commentary as I can and try and keep apprised of the culture – for example, TikTok is now a hugely influential music discovery platform and it's really interesting to see how artists and labels are using it – but that's not a secret, you would need to be living under a rock to not appreciate the rise of TikTok!

NORGARD: If you could have one wish for change in the media and entertainment area, what would it be?

OATEN: There has been a lot of publicity of late around working conditions in Australian major label record companies. Going forward I would hope that everybody has better working conditions than it appears they have had in many circumstances.

NORGARD: Many artists have been affected by the pandemic – has this affected the type / trend of advice that you've been asked to give?

OATEN: Obviously the pandemic has had a catastrophic effect on events and on artists that perform live. Contrary to general understanding, most artists make most of their money from performing – so we act for lots of artists and a significant number of music festivals in Australia (almost none of which has been able to be conducted in pandemic times). We've had to give a lot of advice around cancellations, plus the consolidation in the live events space in Australia. It's sad that we have to do that work because a vibrant open future where we can all play, perform and congregate would be much better, so hopefully we don't have to give that advice for too much longer.

NORGARD: Do you have any advice for people looking to follow in your footsteps?

OATEN: If you really want to do something, go for it. You don't want to be wondering what it would have been like to have taken a chance on something. In retrospect, starting my own firm at 27 was quite ridiculous but it's been great, and the consequences of failure would only have been that I would have had to get another job! If this is an area that you want to work in, it's small and you will have to try and make moves that get you closer and closer to where you want to go. My experience has been that people who really want to do this kind of work, get there.

My personal view is that you want to love your job, but you want to love everything else that you do more than your job – so it's important to keep perspective.



Jessica Norgard, Senior Legal Counsel at nbn

COMMUNICATIONS AND MEDIA LAW ASSOCIATION

CAMLA AGM

*CAMLA members are invited to join the
Communications and Media Law Association
Annual General Meeting via Zoom on:*

**THURSDAY 25TH NOVEMBER 2021
AT 5.45 PM**

*CAMLA Board 2022 nominations forms and proxy forms are
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