

Editor's Note

With the completion of this issue, JIMEL marks the end of another very productive year. As always, our editors strive to offer a diverse selection of scholarly articles of interest not only to academics, but also to the membership of our two sustaining ABA Forums, the Forum on Communications Law and the Forum on the Entertainment and Sports Industries. This appeal to our diverse constituencies is evident in the design of our February 7, 2014, symposium on remotely piloted aircraft, entitled “The Use of Drones in the Media and Entertainment Industries: The Domestic and International Legal and Policy Issues.” For those unable to make it to Southwestern Law School in Los Angeles, a complete transcript of the conference’s proceedings—including the presentations of media and entertainment experts from around the world—will be provided in our next issue.

I am also extremely pleased with the diverse articles that were selected for this issue. The topics, all timely and relevant, should appeal to a broad section of our readers.

Prof. Warren Grimes’ article, “*The Distribution of Pay Television in the United States: Let an Unshackled Marketplace Decide*,” is particularly germane in light of the recent standoff between CBS and Time Warner Cable. The article argues for a more rigorous application of antitrust principles to American television distribution. For cable customers, seven programmers account for ninety-five percent of television viewing hours in the U.S., and subscription fees are rising at twice the national inflation rate, while more and more consumers defect from pay television in favor of cheaper and more particular distribution channels. The author links this increase in price, and corresponding consumer loss, to “forced bundling,” a practice by which programmers require distributors to carry less popular channels in order to carry the more popular “must-have” channels.

The article draws a comparison between the Canadian and American television distribution systems and how the American system might benefit from a look to the Canadian model. It proposes a hybrid formula by which consumers can choose between various more specialized (“narrower”) bundles and à la carte choices of channels. The author, a leading expert on antitrust law, concedes that the effect might be a marginal increase in per-channel price, but that increase would be offset by consum-

