

## Written Material

### I. Introduction to Musical Copyright Law

- Definition of copyright
- Importance of copyright in music industry
- Basics of how copyright is created for music:
  - Original creation fixed in tangible form,
  - Either the musical composition (music and lyrics) or the sound recording (the capture of a performance).

### II. Overview of the Copyright Act of 1976

- Its role as the basic framework for current copyright law.
- Key provisions: granting exclusive rights to reproduce, distribute, perform, display, and create derivative works.
- Duration of copyright for works created after 1978: life of the author plus 70 years; for works of corporate authorship, 95 years from publication or 120 years from creation, whichever is shorter.

### III. Case studies: Important Decisions in Musical Copyright Law

- *Petrella v. Metro-Goldwyn-Mayer, Inc.* (2014)
  - Explanation of the equitable defense of laches
  - Impact of the Supreme Court ruling on the use of this defense in copyright claims.
- *Bright Tunes Music Corp. v. Harrisongs Music, Ltd.* (1976)
  - Background of the case involving George Harrison's "My Sweet Lord" and The Chiffons' "He's So Fine".
  - Implications of the District Court's denial of summary judgment and the result of the subsequent trial.
- *New Old Music v. Gottwald, et al.* (2015)
  - Examination of the case involving Jessie J's "Price Tag" and Black Heat's "Zimba Ku".
  - Explanation of the substantial similarity test and its application in this case.
- *Pharrell Williams et al. v Bridgeport Music et al.* (2018)
  - Analysis of the case involving Robin Thicke's "Blurred Lines" and Marvin Gaye's "Got to Give It Up".

- Review of the Ninth Circuit Court of Appeals' decision affirming the district court's finding of copyright infringement.
- Three Boys Music v. Michael Bolton (2000)
  - Detailing the case involving Michael Bolton's "Love Is A Wonderful Thing" and The Isley Brothers' "Love Is A Wonderful Thing".
  - Discussion of the Ninth Circuit Court of Appeals' affirmation of the jury's decision finding Michael Bolton liable for copyright infringement.
- Skidmore v. Led Zeppelin (2020)
  - Overview of the case involving Led Zeppelin's "Stairway to Heaven" and Spirit's "Taurus".
  - Examination of the Ninth Circuit Court of Appeals' decision affirming the district court's judgment in favor of Led Zeppelin.
- Marcus Gray, et al v. Katheryn Hudson, et al. (2020)
  - Explanation of the case involving Katy Perry's "Dark Horse" and FLAME's "Joyful Noise".
  - Analysis of the U.S. District Court for the Central District of California's decision to vacate the jury verdict against Katy Perry.
- Hall et al v. Swift et al, (2022)
  - Review of the case involving Taylor Swift's "Shake It Off" and 3LW's "Playas Gon' Play".
  - Consideration of the U.S. District Court for the Central District of California's decision to dismiss the case against Taylor Swift.
- Bridgeport Music, Inc. v. Dimension Films (2005)
  - Introduction to the de minimis test for copyright infringement.
  - Examination of the Sixth Circuit Court of Appeals' decision to eliminate the de minimis test for sampling.
- VMG Salsoul, LLC v. Ciccone (2016)
  - Discussion of the Ninth Circuit Court of Appeals' disagreement with the Sixth Circuit's ruling, establishing that for there to be infringement, the part copied from the original work cannot be a minimal and insubstantial part of the new work.

#### IV. Key Concepts in Musical Copyright Law

- Originality: Understanding the requirement for a work to be original to be eligible for copyright protection.
- Infringement: Clarification of what constitutes infringement, including direct, contributory, and vicarious infringement.

- Substantial similarity: Deep-dive into the standard for assessing whether two works are substantially similar, which usually involves an "extrinsic test" and an "intrinsic test."
- The idea-expression dichotomy: Explanation of the principle that copyright protects the expression of ideas, but not the ideas themselves.
- Fair Use: Examination of the concept of fair use, which allows limited use of copyrighted material without permission from the copyright holder under certain circumstances.

## V. Conclusion

- Recap of the importance of understanding copyright laws for anyone involved in the creation or distribution of music.
- Final thoughts on the evolving nature of these laws and the role they play in shaping the music industry.