

## AXIS CLAIMS EXAMPLES

# MUSIC

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The following claims examples illustrate the types of exposures arising from music.

### — LABELS AND PUBLISHERS

A major music label signs a pop artist. That artist misrepresents that certain portions of several of his songs are not original recordings; rather, they are samples of the recordings of other performers. Those performers and songwriters recognize the samples and sue the artist and the label for copyright infringement of the recordings and compositions.

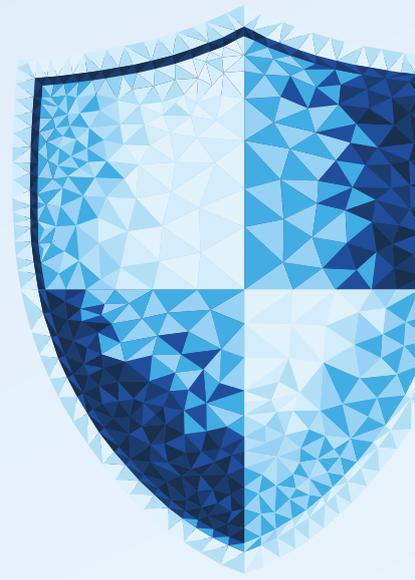
A music label and publisher have a catalog of songs by a well-known classic rock group. A claimant alleges that the introductory portion of one of the group's most successful hits is a note-for-note copy of one of their songs. They file suit even though the infringing work was released some forty years before. After extensive litigation, the appellate court ultimately affirms for the defendant, finding no infringement.

A music label releases a hip-hop song which includes a sample of a classic 1950s song. The hip-hop song plays on the topic of the older works, translating it to a modern context. The label of the 1950s performer files suit for copyright infringement. After litigation, the court rules on motion that the use was fair use under the copyright act as the later work was commenting on the prior song.

A performing artist releases an original song. Unbeknownst to the label, the song incorporates as part of its lyrics, the work of a well-known poet. The poet sues for copyright infringement of his original poetry.

### — JINGLE HOUSES

An advertising agency retains a jingle house to create music to partner with a campaign for an advertiser. The advertiser wishes to evoke the style of a well-known rock group. The jingle house presents three versions of their original work to the agency and advertiser. The three original works vary with regard to how much they evoke the rock group's style. The advertiser directs them to use the version which most closely evokes that group, and the group ultimately sues for copyright infringement of one of their compositions.



## — FILM

The producers of a feature film present an early cut to their investors and studio executives prior to the completion of the soundtrack, and using a temp track of unlicensed third party music. The producers were moved by one of the songs used in the temp track, and direct the producers to make that portion of the original score as close to the unlicensed work as possible. The film is released to great success, but the songwriter of the unlicensed work brings a claim just before the movie is released on DVD, threatening to file an injunction to prevent that release.

## — RADIO BROADCASTERS

A radio broadcaster is contacted by a new public performing rights organization, claiming that they now control the rights to the more recent work of classic rock bands. As such, they allege that the broadcaster needs to secure a blanket license from them in addition to those obtained from the traditional public performing rights organizations. The broadcaster fails to do so, and the new rights organization sues for copyright infringement of multiple compositions.

## — WEBSITES

A website wishes to include a prior musical recording in conjunction with moving images on its site. It secures a streaming license believing that is sufficient for the use, but fails to secure a synchronization license from the publisher or a master use license from the label. The publisher and label sue for copyright infringement.

A website uses music made available under license, but subject to strict attribution requirements. The website uses the music, but fails to give proper attribution per the license. The copyright owner sues for copyright infringement over the use of multiple songs obtained from the website claiming the license is void.

Claims examples may be based on actual cases, composites of actual cases or hypothetical claim scenarios and are provided for illustrative purposes only. Facts have been changed to protect the confidentiality of the parties. Whether or to what extent a particular loss is covered depends on the facts and circumstances of the loss, the terms and conditions of the policy as issued and applicable law.