

USA: Fahmy v. Jay Z, United States Court of Appeals, Ninth Circuit, No. 16-55213, 31 May 2018

Kluwer Copyright Blog

June 27, 2018

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Please refer to this post as: Thomas Long, 'USA: Fahmy v. Jay Z, United States Court of Appeals, Ninth Circuit, No. 16-55213, 31 May 2018', Kluwer Copyright Blog, June 27 2018, <http://copyrightblog.kluweriplaw.com/2018/06/27/usa-fahmy-v-jay-z-united-states-court-appeals-ninth-circuit-no-16-55213-31-may-2018/>

Rapper Jay-Z has won another round in his defense against claims that he infringed the copyright in a 1957 arrangement of an Egyptian composer's song, "Khosara, Khosara" when he used a sample from the arrangement in the background music to his hit single "Big Pimpin'." The U.S. Court of Appeals in San Francisco affirmed a district court's judgment as a matter of law in favor of Jay-Z and other defendants because the plaintiff—the composer's heir—lacked standing to bring the copyright claims. Pursuant to Egyptian law, when the heir transferred "all" of his economic rights in the song to the owner of an Egyptian music company in 2002, the transfer included the right to create derivative works adapted from "Khosara." Any moral rights retained by operation of Egyptian law were not enforceable in U.S. federal court, and even if they were, the heir failed to comply with a compensation requirement of Egyptian law, which did not provide for his requested money damages and only provided for injunctive relief from an Egyptian court. The fact that the heir retained the right to receive royalties did not give him standing to sue for copyright infringement, the court said (Fahmy v. Jay Z, May 31, 2018, Bea, C.).

A full summary of this case has been published on [Kluwer IP Law](#).