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Copyright case: Tresona Multimedia, LLC v. Burbank High School Vocal Music Association, USA

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Monday, April 6th, 2020

Infringement claims based on failure to obtain licenses for three other songs failed because the plaintiff licensing company did not hold exclusive rights in those works.

The vocal music director of Burbank High School and other defendants associated with the school's student choir program engaged in fair use by adapting, altering, and performing segments of the sheet music for the popular song "Magic," originally recorded by Olivia Newton-John for the film "Xanadu," the U.S. Court of Appeals in San Francisco has decided. Accordingly, a licensing company holding exclusive rights to the work could not go forward with copyright infringement claims. In addition, the court held that the licensing company lacked standing to sue with respect to three other musical works because it had received its interests in those songs from individual co-owners of their copyrights, without the consent of other co-owners, and therefore held only non-exclusive licenses. Finally, the court held that the defendants were entitled to an award of attorney fees for their successful defense against the licensing company's "objectively unreasonable" infringement claims (Tresona Multimedia, LLC v. Burbank High School Vocal Music Association, March 24, 2020, Wardlaw, K.).

Case date: 24 March 2020

Case number: Nos. 17-56006

Court: United States Court of Appeals, Ninth Circuit

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

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