

---

# Kluwer Copyright Blog

## Copyright case: Estate of Smith v. Graham, USA

Peter Reap (Wolters Kluwer Legal & Regulatory US) · Tuesday, June 9th, 2020

Drake's use of the lyrics for a 35-second sample of another song was transformative, the amount used was reasonable, and there was no evidence his use negatively affected the sampled song's market.

Affirming a ruling by the federal district court in New York City, the Second Circuit has determined that rapper Drake was correctly awarded summary judgment on a copyright infringement claim brought by the estate of the late jazz musician Jimmy Smith because Drake's use of the lyrics for a 35-second sample of one of Smith's songs was fair use. Under the relevant fair use factors, Drake's use of the lyrics was transformative, the amount used was reasonable, and there was no evidence his use negatively affected the sampled song's market. Thus, the decision of the lower court was affirmed (*Estate of Smith v. Graham*, February 3, 2019, Calabresi, G.).

Case date: 03 February 2020

Case number: No. 19-28

Court: United States Court of Appeals, Second Circuit

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

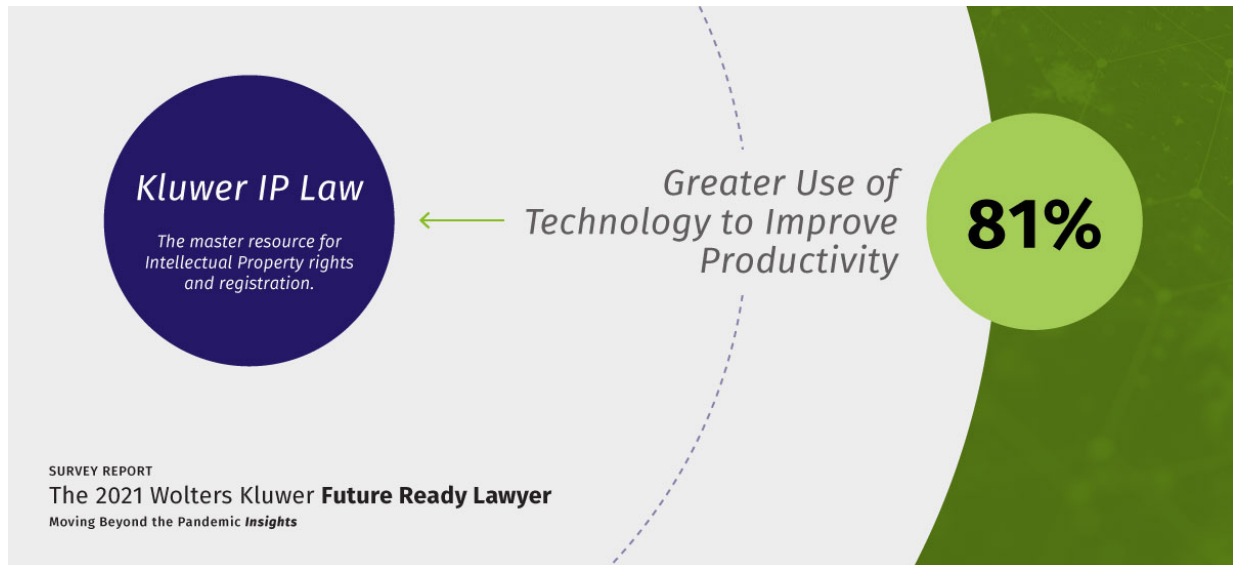
---

*To make sure you do not miss out on regular updates from the Kluwer Copyright Blog, please subscribe [here](#).*

## Kluwer IP Law

The **2021 Future Ready Lawyer survey** showed that 81% of the law firms expect to view technology as an important investment in their future ability to thrive. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how **Kluwer IP Law** can support you.



Kluwer IP Law

 Wolters Kluwer

This entry was posted on Tuesday, June 9th, 2020 at 2:12 pm and is filed under [Case Law, USA](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can leave a response, or [trackback](#) from your own site.