

Kluwer Copyright Blog

Copyright case: Skidmore v. Led Zeppelin, USA

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Tuesday, October 16th, 2018

The U.S. Court of Appeals in San Francisco has vacated in part a district court's judgment after a jury trial in favor of the defendants and remanded for a new trial in a copyright infringement suit alleging that Led Zeppelin and members of the band copied the classic rock hit "Stairway to Heaven" from the song "Taurus," written by Spirit band member Randy Wolfe. The jury had found that plaintiff Michael Skidmore—as trustee of a trust managing the late Wolfe's assets—owned the copyright to "Taurus" and that the defendants—including Led Zeppelin members Robert Plant and Jimmy Page—had access to Skidmore's composition, but it determined that the two songs were not substantially similar under the extrinsic test. According to the Ninth Circuit, some of the instructions given to the jury by the district court were erroneous and prejudicial. First, in an instruction relating to the extrinsic test, the district court failed to instruct the jury that the selection and arrangement of otherwise unprotectable individual musical elements could be protectable. Second, the district court erred in its instructions on originality. The court also held that the district court properly limited the scope of the copyright to "Taurus" to its sheet music (the deposit copy), but it held that the jury should have been allowed to observe Page listening to recordings of "Taurus" in order to help them assess whether Page had access to the work (Skidmore v. Led Zeppelin, September 28, 2018, Paez, R.).

Case date: 28 September 2018

Case number: No. 16-56057

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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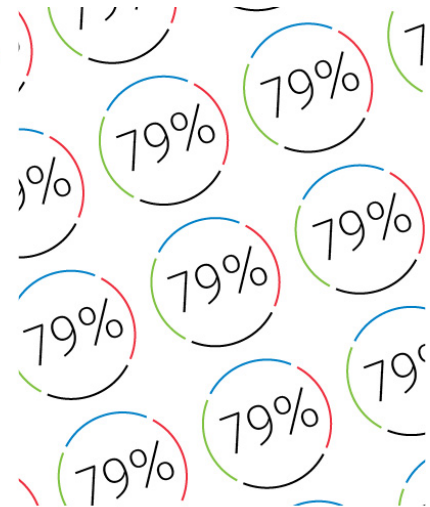
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