Kluwer Copyright Blog

Copyright case: Alliance of Artists and Recording Companies Inc. v. DENSO International America Inc., USA

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Friday, March 13th, 2020

Because hard drives used in audio recording devices in cars sold by Ford, GM, and Chrysler did not contain “only sounds,” they were not covered by the Audio Home Recording Act of 1992.

The Alliance of Artists and Recording Companies (AARC)—a nonprofit organization formed to collect and distribute royalties under the Audio Home Recording Act of 1992 to featured recording artists and sound recording copyright owners—cannot go forward with an action against Ford, General Motors, Chrysler, and manufacturers of in-vehicle audio recording devices for failing to pay royalties required under the statute, the U.S. Court of Appeals for the District of Columbia Circuit has held. According to the court, because the hard drives in the in-car CD-copying devices at issue did not contain “only sounds”—a limitation in the text of the statute—the copies on them did not qualify as “digital musical recordings,” and the devices therefore did not qualify as “digital audio recording devices” subject to the law. A district court’s grant of summary judgment in favor of the defendants was affirmed (Alliance of Artists and Recording Companies, Inc. v. DENSO International America, Inc., January 28, 2020, Edwards, H.).

Case date: 28 January 2020
Case number: No. 18-7141
Court: United States Court of Appeals, District of Columbia Circuit

A full summary of this case has been published on Kluwer IP Law.

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