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# Kluwer Copyright Blog

## Copyright case: Kihn v. Bill Graham Archives LLC, USA

Matthew Hersh (Wolters Kluwer Legal & Regulatory) · Wednesday, March 9th, 2022

Because the artists who would form part of the class had entered into licensing agreements with varying terms, individual issues would prevail over common questions.

A district court improperly certified a class of songwriters and artists whose allegedly unlicensed performances can be downloaded and listened to from a popular music memorabilia website, the U.S. Court of Appeals for the Ninth Circuit has held in an unpublished opinion. The court, rejecting a proposed class of popular recording acts, several of whom emerged in San Francisco during the 1970s, found that issues common to the class would not predominate because many of the bands had entered into licensing agreements with different terms when it came to the recording of their live shows (*Kihn v. Bill Graham Archives LLC*, January 3, 2022, per curiam).

Case date: 03 January 2022

Case number: No. 20-17397

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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