

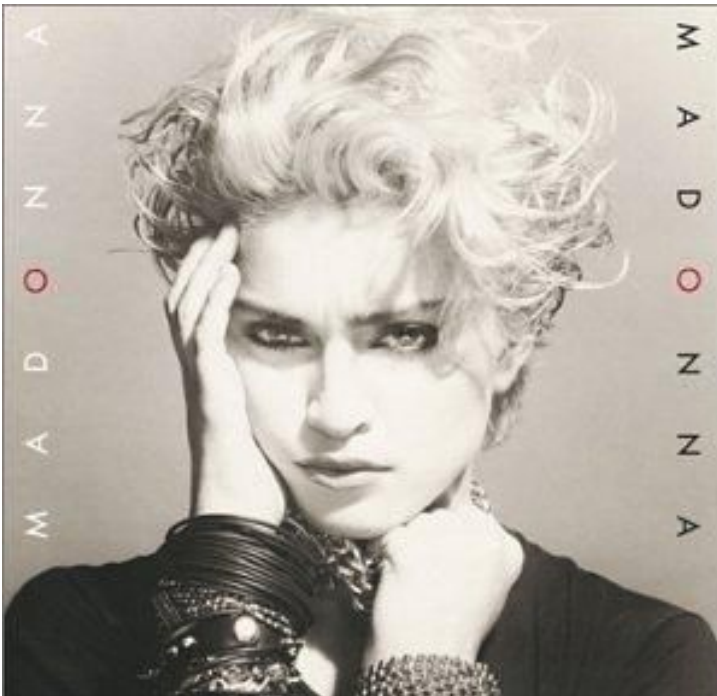
# *Risky Business*

## **How Technology Has Changed Music Copyright Disputes and Posed New Forensic Challenges**

**A presentation by musicologist Judith Finell**

1

### *Classic Copyright Infringement Case: Material Girl v. Mary J.*



2

# *Gilbert O'Sullivan v. Biz Markie*



Gilbert O'Sullivan "Alone Again (Naturally)"



Biz Markie "Alone Again"



3

## **Music Construction Has Changed**



4

## **Q: Why Has This Changed?**

A: Because technology has empowered composers with many new sophisticated capabilities and skills resulting in dramatic changes in how music is created, performed, heard, and circulated

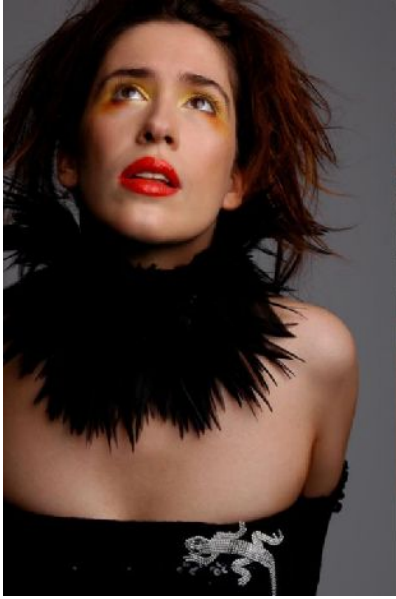
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## **Girl Talk and “Mashups”**



6

# *Jason Derulo “Borrows” and Refashions the Music of His Colleagues*



Imogen Heap “Hide and Seek”



Jason Derulo “Whatcha Say”

7

## **What Causes Risks in Music for Film, TV, and Advertising?**

- **temp track**

*n*: the musical soundtrack that is used in a mock-up as a placeholder, often illustrating the proposed musical direction for the scene

- Digital sampling and other new means of music construction
- Re-recording with an intent to emulate a pre-existing recording

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# Questions?

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Judith Finell is a musicologist and the president of Judith Finell MusicServices Inc., a consulting firm in New York (Westchester County). For over 20 years, she has served as an expert witness and consultant in various disputes regarding intellectual property, including copyright litigation involving the Beastie Boys, Julio Iglesias, Sony/CBS, Igor Stravinsky, and many others. She has also testified involving music technology, including before the Copyright Royalty Board in Washington, D.C. in a dispute between the recording and music publishing industries involving the royalty rates for ring tones.

Judith Finell regularly advises film and television companies; advertising agencies; entertainment and copyright attorneys; media, publishing, and recording companies; and musicians. Her firm also provides music supervision services for film, television, and commercials. In this regard, Ms. Finell was engaged as a music consultant by Sony Pictures for *Memoirs of a Geisha*, and has consulted often with Disney, CBS, HBO, NBC, and others on the music selected for their productions. Ms. Finell also appeared as a guest on television's *Celebrity Justice*, discussing a pending copyright case involving Madonna. She also presents seminars and lectures to intellectual property and creative departments of various law firms and advertising agencies throughout the country, including frequent appearances in New York, Chicago, San Francisco, L.A., and Nashville.

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