

# 55% OF ACTIVE MUSIC INDUSTRY LAWSUITS INVOLVE COPYRIGHT DISPUTES

WHAT'S THE REMAINING 45% ABOUT?



## ABOUT PAUL RESNIKOFF

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# INTRODUCTION – AND A TEASER FOR DMN PRO’S UPCOMING MUSIC INDUSTRY LITIGATION TRACKER

One thing the music industry doesn’t lack is litigation – or threats of litigation. But what kinds of disputes are behind the steady stream of lawsuits?

DMN Pro zeroed in on that question by analyzing data from its soon-to-be-released Music Industry Litigation Tracker. Comprehensive and filterable, the one-stop database of industry and industry-adjacent suits will feature a variety of case-specific details – from the involved parties and their counsel to assigned judges and court venues.

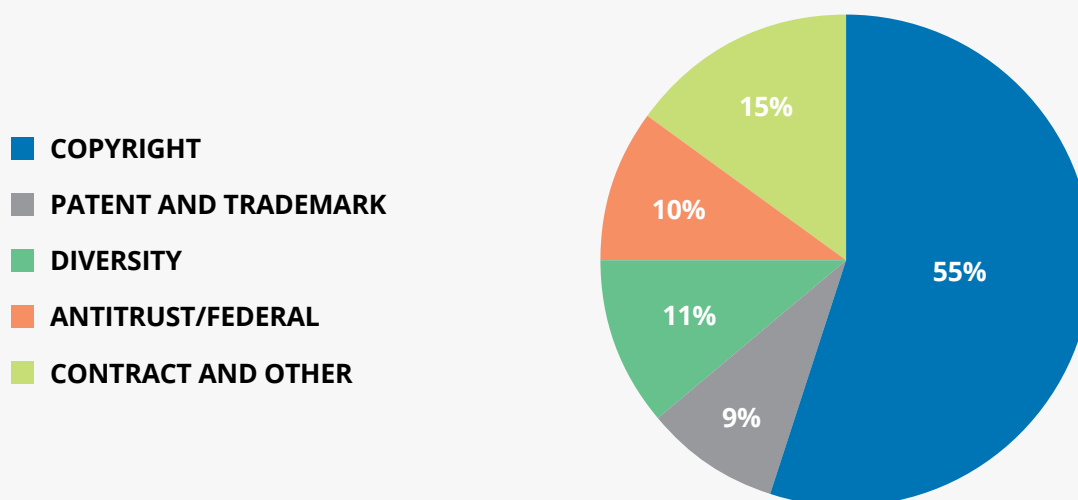
The Music Industry Litigation Tracker will help to illustrate key music sector trends and help users stay apprised of

the latest actions and follow existing complaints. In an industry that's moving faster than ever, the takeaways, like those attributable to DMN Pro's [funding](#) and [IP acquisition](#) trackers, are valuable on multiple levels.

From a legal perspective, here's a look at the industry's litigation landscape and what the future could have in store for the space.

# INDUSTRY LITIGATION AT A GLANCE: A PERCENTAGE BREAKDOWN OF CASE TYPES, AUGUST 2024

## ACTIVE MUSIC INDUSTRY LITIGATION BY TYPE, AUGUST 2024



The best way to begin an analysis of the industry's litigation makeup is with a percentage-breakdown overview of the issues at the heart of ongoing cases. While legal threats, cease-and-desists, mediations, and contractual discussions abound, when it comes to filed disputes, DMN is currently tracking around 140 complaints as of August 2024.

Though multiple data points jump out, the continued prevalence of infringement suits is telling given the relative lack of massive verdicts against artists and rightsholders themselves. In short, labels and publishers are still finding major success with infringement actions against ISPs and companies, but "Dark Horse" **verdicts** are now few and far between.

Furthermore, a glance at the compiled industry cases underscores the comparative infrequency of infringement complaints filed by artists as opposed to broader rightsholders. The latter group includes the major labels and the publishers that **recently sued** over a dozen NBA teams for infringement.

Additionally, while largescale licensing disputes are (mostly) in the rearview – the recent exception being Universal Music's ugly, since-resolved **disagreement** with TikTok – smaller-scale confrontations are cropping up between government-mandated royalty-collection entities and the likes of Spotify and SiriusXM.

# COPYRIGHT INFRINGEMENT ACTIONS TAKE CENTER STAGE – WITH SURPRISINGLY LITTLE PRECEDENT TO SHOW FOR IT

Elaborating on those key ideas, DMN Pro's tracking makes clear just how many of today's legal battles involve infringement. That's not especially surprising at the top level. We've provided detailed updates and analyses about the complaints in our regular coverage, including [exclusives about cases](#) that would have otherwise fallen through the media cracks.

Nevertheless, the sheer scope of copyright claims is telling when laid out as a portion of all active litigation. Of the approximately 140 suits we're tracking, about 55% center on the alleged theft of copyright. Another 9.5% or so revolve around patents and trademarks, with a combined total of over 64% of litigation therefore revolving around music IP.

Noteworthy in light of the figures is the relative lack of copyright precedent and significant rulings in recent years. Though the tracked suits are ongoing and may prove important when all is said and done, as of late, copyright litigation has in some ways been defined by questionable merit and minimal overall relevance.

That refers, in part, to the substantial number of infringement actions courts have tossed (or will toss) before trial because the works in question simply don't resemble one another.

Even legal battles that culminated with jury verdicts – such as the well-documented “Thinking Out Loud” and “Let's Get It On” infringement action that Ed Sheeran beat in May 2023 – didn't necessarily produce meaningful guidance. After Sheeran topped that case's appeal in September 2023, he was **targeted** by a different appeal yet over the same tracks the following month.

But we aren't entirely without infringement actions that have the potential to establish far-reaching precedent. As covered in our [rundown of noteworthy suits](#), the RIAA's complaints against generative AI platforms Suno and Udio have arrived amid increasingly heated debates about the materials on which artificial intelligence is trained and whether the process constitutes fair use.

And a [sweeping suit](#) filed by reggae rightsholders against an array of defendants could break new ground on precisely which musical elements are protectable under stateside copyright law.

# TROUBLE BENEATH THE SURFACE: THE INFLUX OF ROYALTY-COLLECTION LAWSUITS AGAINST MUSIC SERVICES

As noted, DMN's database drives home the surprising number of royalty-related actions in an industry that, with the exception of Universal Music's brief TikTok withdrawal, has largely avoided disputes with leading platforms in recent years. Exiting YouTube today would have a dramatically different impact on labels and artists than it did in the past.

With that said, the sphere is hardly free of friction and little-discussed legal actions. Most conspicuously, this includes the Mechanical Licensing Collective's **lawsuit** against Spotify over its bundling reclassifications. But the MLC is also **suing** Pandora, while SoundExchange is litigating against **SiriusXM** and **AccuRadio**, to name some.

In other words, rights- and usage-related disagreements aren't nonexistent in the contemporary music landscape. However, in another interesting shift, actions spearheaded by government-appointed royalty collectors have mainly replaced those launched against established platforms by industry companies themselves.

Excepting the National Music Publishers' Association's X **infringement action**, Epidemic Sound's copyright complaint against Meta, and rumblings of a Universal Music v. TikTok suit that never materialized, litigation and public battles against potentially lucrative partners like Roblox, Peloton, and **Twit**ch are relatively rare today.

The reality attests to both the potentially sizable rightsholder paydays available under licensing pacts and the evident upside of offering music to customers (and avoiding legal showdowns) for companies operating beyond the core industry.

# MUSIC-SPACE LAWSUITS MOVING FORWARD: WHAT TO EXPECT IN THE REMAINDER OF 2024 AND BEYOND

As seasoned observers are well aware, there's no telling which industry legal battles will erupt or how the cases will play out. At the top of 2024, few (if any) were anticipating the MLC's suit against Spotify. (On the other hand, the subscription reclassifications that spurred the action seemingly came as a surprise to the publishing sector.) But we aren't without indications of where things are trending.

First, it can be stated with confidence that big-name companies and brands are on notice when it comes to infringement claims. For example, Sony Music is litigating against both **OFRA Cosmetics** and **Marriott International** over the alleged unauthorized use of music in social media promo videos. For several reasons (chief among them the case type's success rate), similar complaints are presumably forthcoming from throughout the industry.

Next, AI-focused actions could make genuine progress in the new year. Though some early training-related cases are likewise ongoing, newer RIAA-powered suits against

**Suno and Udio** (as well as one pitting music publishers **against Anthropic**) appear positioned to bring clarity to urgent and heretofore unexplored questions. In the music world, the most important of those questions involves whether training AI models on protected content is legal under U.S. copyright law.

Lastly, we could witness trials in noteworthy, long-running cases next year – like Epidemic Sound's copyright action against Meta. Filed back in July 2022, the suit is heating up, with Meta now facing an order to reveal the terms of its licensing deals with the major labels.

# APPENDIX: A GRAB BAG OF COPYRIGHT, TRADEMARK, AND PATENT LAWSUITS ROILING THE MUSIC INDUSTRY

Please note: the following is a substantial rundown of active music industry cases focused on copyright, trademark, and patent infringement, but is not fully exhaustive and does not include terminated cases. Additionally, it does not include the very substantial list of cases involving other dispute categories.

Lawsuit	Case Number	Court	Assigned Judge	Date Filed	Nature of Suit
Alter v. OpenAI Inc.	1:23-cv-10211	District Court, S.D. New York	Sidney H. Stein	November 21, 2023	Copyright
Andy Stone v. Mariah Carey	2:23-cv-09216	District Court, C.D. California	Percy Anderson	November 1, 2023	Copyright
Artist Publishing Group, LLC v. New Orleans Pelicans NBA, LLC	1:24-cv-05459	District Court, S.D. New York	Victor Marrero	July 18, 2024	Copyright
Artist Publishing Group, LLC v. New York Knicks, LLC	1:24-cv-05460	District Court, S.D. New York	Lewis Jeffrey Liman	July 18, 2024	Copyright
Artist Publishing Group, LLC v. Orlando Magic, Ltd.	1:24-cv-05461	District Court, S.D. New York	Jed Saul Rakoff	July 18, 2024	Copyright
Artist Publishing Group, LLC v. Philadelphia 76ers, L.P.	1:24-cv-05462	District Court, S.D. New York	Gregory Howard Woods III	July 18, 2024	Copyright
Artist Publishing Group, LLC v. Sacramento Kings Limited Partnership	1:24-cv-05465	District Court, S.D. New York	Gregory Howard Woods III	July 18, 2024	Copyright





Lawsuit	Case Number	Court	Assigned Judge	Date Filed	Nature of Suit
Artist Publishing Group, LLC v. San Antonio Spurs, L.L.C.	1:24-cv-05466	District Court, S.D. New York	Jennifer H. Rearden	July 18, 2024	Copyright
Artist Publishing Group, LLC v. Suns Legacy Partners, L.L.C.	1:24-cv-05463	District Court, S.D. New York	Jennifer L. Rochon	July 18, 2024	Copyright
Artist Publishing Group, LLC v. The Denver Nuggets Limited Partnership	1:24-cv-05455	District Court, S.D. New York	James Paul Oetken	July 18, 2024	Copyright
Artist Publishing Group, LLC v. Trail Blazers, Inc.	1:24-cv-05464	District Court, S.D. New York	John George Koeltl	July 18, 2024	Copyright
Authors Guild v. OpenAI Inc.	1:23-cv-08292	District Court, S.D. New York	Sidney H. Stein	September 19, 2023	Copyright
Avie v. Carter	2:24-cv-01334	District Court, E.D. Louisiana	Jane Margaret Triche Milazzo	May 22, 2024	Copyright
Blue Spike LLC v. Universal Music Group Inc.	2:22-cv-06331	District Court, C.D. California	George H. Wu	September 6, 2022	Patent
Blue Spike LLC v. Warner Music Group Corp.	1:22-cv-07600	District Court, S.D. New York	Jesse Matthew Furman	September 6, 2022	Patent
BMG Rights Management (US) LLC v. Altice USA, Inc.	2:22-cv-00471	District Court, E.D. Texas	James Rodney Gilstrap	December 14, 2022	Copyright
Bosko Kante v. Dua Lipa	2:23-cv-06186	District Court, C.D. California	Hernan D. Vera	July 31, 2023	Copyright
Bruce Sudano v. Kanye Omari West	2:24-cv-01586	District Court, C.D. California	Andre Birotte Jr.	February 27, 2024	Copyright
Chamberlain v. Dolo Entertainment, Inc.	1:24-cv-00349	District Court, E.D. New York	Allyne R. Ross	January 17, 2024	Copyright



Lawsuit	Case Number	Court	Assigned Judge	Date Filed	Nature of Suit
Cleveland Constantine Browne v. Rodney Sebastian Clark Donalds	2:21-cv-02840-AB-AFM	District Court, C.D. California	André Birotte	April 21, 2023	Copyright
Combs v. GBG Sean John LLC	1:21-cv-00996	District Court, S.D. New York	Lewis Jeffrey Liman	February 4, 2021	Trademark
Concord Music Group, Inc. v. Anthropic PBC	3:23-cv-01092	District Court, M.D. Tennessee	Waverly David Crenshaw Jr.	October 18, 2023	Copyright
Concord Music Group, Inc. v. X Corp	3:23-cv-00606	District Court, M.D. Tennessee	Aleta Arthur Trauger	June 14, 2023	Copyright
Darko v. Graham	1:23-cv-03232	District Court, S.D. New York	Jesse Matthew Furman	April 18, 2023	Copyright
Eight Mile Style, LLC v. Spotify USA Inc.	3:19-cv-00736	District Court, M.D. Tennessee	Aleta Arthur Trauger	August 21, 2019	Copyright
Epidemic Sound, AB v. Meta Platforms, Inc.	3:22-cv-04223	District Court, N.D. California	Jacquelyn Scott Corley	July 20, 2022	Copyright
Fernandez v. Jagger	2:23-cv-00891	District Court, E.D. Louisiana	Eldon E. Fallon	March 10, 2023	Copyright
Formal Entertainment LLC v. Zain Javadd Malik	2:23-cv-07888	District Court, C.D. California	Consuelo Bland Marshall	September 20, 2023	Copyright
Gaynor v. Diamond	1:24-cv-05690	District Court, S.D. New York	Katherine Polk Failla	July 26, 2024	Copyright
Getty Images (US), Inc. v. Stability AI, Inc.	1:23-cv-00135	District Court, D. Delaware	Jennifer L. Hall	February 3, 2023	Patent
Global Music Rights, LLC v. Vermont Broadcast Associates, Inc.	2:24-cv-00066	District Court, D. Vermont	Christina Clair Reiss	January 18, 2024	Copyright



Lawsuit	Case Number	Court	Assigned Judge	Date Filed	Nature of Suit
Google LLC v. Sonos, Inc.	5:22-cv-04553	District Court, N.D. California	Jon Steven Tigar	August 8, 2022	Patent
Google LLC v. Sonos, Inc.	3:20-cv-06754	District Court, N.D. California	William Haskell Alsup	September 28, 2020	Patent
Greene v. Warner Music Group Corp	1:23-cv-01555	District Court, S.D. New York	Katherine Polk Failla	February 22, 2023	Copyright
Hernandez v. Stingray Digital Group Inc.	1:24-cv-21226	District Court, S.D. Florida	Rodolfo Armando Ruiz II	April 2, 2024	Patent
Hines v. EMI April Music Inc.	1:20-cv-03535	District Court, S.D. New York	James Paul Oetken	May 6, 2020	Copyright
Iceberg Records AS v. William Adams	2:24-cv-01893	District Court, C.D. California	Stanley Blumenfeld Jr.	March 8, 2024	Copyright
Johansen v. Sony Music Entertainment Inc.	1:19-cv-01094	District Court, S.D. New York	Edgardo Ramos	February 5, 2019	Copyright
Johnston v. Kroeger	1:20-cv-00497	District Court, W.D. Texas	Robert Lee Pitman	May 8, 2020	Copyright
JR Apparel World LLC V. Away From Home Touring, Inc.	2:24-cv-04128	District Court, E.D. New York	Diane Gujarati	June 11, 2024	Trademark
Kadrey v. Meta Platforms, Inc.	3:23-cv-03417	District Court, N.D. California	Vince Girdhari Chhabria	July 7, 2023	Copyright
Larball Publishing Company, Inc. v. Lipa	1:22-cv-01872	District Court, S.D. New York	Katherine Polk Failla	March 4, 2022	Copyright
Martyn Atkins v. WMG Productions LLC	2:24-cv-05158	District Court, C.D. California	Fernando Manzano Olguin	June 18, 2024	Copyright
Matthew Spatola v. Jason Desrouleaux	2:23-cv-06191	District Court, C.D. California	Michael Walter Fitzgerald	July 31, 2023	Copyright



Lawsuit	Case Number	Court	Assigned Judge	Date Filed	Nature of Suit
Mechanical Licensing Collective v. Pandora Media, LLC	3:24-cv-00168	District Court, M.D. Tennessee	Eli Jeremy Richardson	February 12, 2024	Copyright
Mechanical Licensing Collective v. Spotify USA Inc.	1:24-cv-03809	District Court, S.D. New York	Analisa Nadine Torres	May 16, 2024	Copyright
Norman v. Webster	2:24-cv-00240	District Court, E.D. Louisiana	Brandon S. Long	January 25, 2024	Copyright
Paynes v. Woods	2:23-cv-01308	District Court, E.D. Louisiana	Greg Gerard Guidry	April 19, 2023	Copyright
Peabody & Company LLC v. Roderick Wayne	1:22-cv-10316	District Court, S.D. New York	Analisa Nadine Torres	December 6, 2022	Copyright
Phase One Network, Inc. v. Ye	1:22-cv-09511	District Court, S.D. New York	John Peter Cronan	November 7, 2022	Copyright
Pierre Orpheus Dejournette v. Universal Music Group, Inc.	2:23-cv-08739	District Court, C.D. California	Christina A. Snyder	October 17, 2023	Copyright
Pocket Socks, Inc. v. Louis Vuitton Malletier	3:24-cv-01076	District Court, S.D. California	—	June 20, 2024	Trademark
Richardson v. Kharbouch	1:19-cv-02321	District Court, N.D. Illinois	Matthew F. Kennelly	April 5, 2019	Copyright
Rodney Oliver v. Bryson Lashun Potts	2:23-cv-08323	District Court, C.D. California	John Arnold Kronstadt	October 3, 2023	Copyright
Satisfaction Fulfilled Ltd. v. Sony Music Publishing LLC	1:23-cv-03390	District Court, S.D. New York	Paul Austin Crotty	April 21, 2023	Copyright
Screen Media Ventures LLC v. RCN Telecom Services, LLC	3:23-cv-23356	District Court, D. New Jersey	Michael Andre Shipp	December 27, 2023	Copyright



Lawsuit	Case Number	Court	Assigned Judge	Date Filed	Nature of Suit
Sebastien Julien Alfred Graux v. Universal Music Group Inc.	2:24-cv-04887	District Court, C.D. California	John Arnold Kronstadt	June 10, 2024	Copyright
Silverman v. OpenAI, Inc.	3:23-cv-03416	District Court, N.D. California	Kandis A. Westmore	July 7, 2023	Copyright
Smith v. Cartagena	1:23-cv-01133	District Court, D. Maryland	Stephanie A. Gallagher	April 27, 2023	Copyright
Sony Music Entertainment v. Anthem Films LLC	2:24-cv-01250	District Court, C.D. California	Christina A. Snyder	February 14, 2024	Copyright
Sony Music Entertainment v. Marriott International, Inc.	1:24-cv-00598	District Court, D. Delaware	Richard Gibson Andrews	May 17, 2024	Copyright
Sony Music Entertainment v. OFRA Cosmetics, LLC	0:23-cv-62073	District Court, S.D. Florida	William P. Dimitrouleas	October 31, 2023	Copyright
Sound and Color, LLC v. Samuel Smith	2:22-cv-01508	District Court, C.D. California	Andre Birotte Jr.	March 4, 2022	Copyright
SoundExchange, Inc. v. Music Choice	1:19-cv-00999	District Court, District of Columbia	Reggie B. Walton	April 10, 2019	Copyright
SoundExchange, Inc. v. Sirius XM Radio Inc.	1:24-cv-05491	District Court, S.D. New York	Naomi Reice Buchwald	July 19, 2024	Copyright
SoundExchange, Inc. v. Sirius XM Radio Inc.	1:23-cv-01083	District Court, E.D. Virginia	Patricia Tolliver Giles	August 16, 2023	Copyright
Structured Asset Sales, LLC v. Sheeran	1:20-cv-04329	District Court, S.D. New York	Ronnie Abrams	June 8, 2020	Copyright
The New York Times Company v. Microsoft Corporation	1:23-cv-11195	District Court, S.D. New York	Sidney H. Stein	December 27, 2023	Copyright



Lawsuit	Case Number	Court	Assigned Judge	Date Filed	Nature of Suit
Thomas v. Pizarro	1:23-cv-10159	District Court, S.D. New York	Lewis A. Kaplan	May 18, 2023	Copyright
TufAmerica, Inc. v. Universal Music Publishing, Inc.	1:24-cv-02585	District Court, S.D. New York	Dale E. Ho	April 4, 2024	Copyright
Ultra Records, LLC v. Ultra International Music Publishing, LLC	1:22-cv-09667	District Court, S.D. New York	Edgardo Ramos	November 11, 2022	Trademark
UMG Recordings, Inc. v Suno, Inc.	1:24-cv-11611	District Court, Massachusetts	—	June 24, 2024	Copyright
UMG Recordings, Inc. v Uncharted Labs, Inc.	1:24-cv-04777	District Court, S.D. New York	—	June 24, 2024	Copyright
UMG Recordings, Inc. v. Internet Archive	3:23-cv-06522	District Court, N.D. California	Maxine M. Chesney	December 19, 2023	Copyright
UMG Recordings, Inc. v. Verizon Communications Inc.	1:24-cv-05285	District Court, S.D. New York	Victor Marrero	July 12, 2024	Copyright
UMG Recordings, Inc. v. Vital Pharmaceuticals, Inc.	0:21-cv-60914	District Court, S.D. Florida	William P. Dimitrouleas	April 28, 2021	Copyright
UMG Recordings, Inc. v. RCN Telecom Services, LLC	3:19-cv-17272	District Court, D. New Jersey	Michael Andre Shipp	August 27, 2019	Copyright
Voxer, Inc. v. Meta Platforms, Inc.	1:20-cv-00655	District Court, W.D. Texas	Earl Leroy Yeakel III	January 7, 2020	Patent
Warner Records, Inc. v. Altice USA, Inc.	2:23-cv-00576	District Court, E.D. Texas	James Rodney Gilstrap	December 7, 2023	Copyright
Yellow Rose Productions, Inc. v. Pandora Media, LLC	2:22-cv-00809	District Court, C.D. California	Mark Christopher Scarsi	February 7, 2022	Copyright



Lawsuit	Case Number	Court	Assigned Judge	Date Filed	Nature of Suit
YellowCake, Inc. v. DashGo, Inc.	1:21-cv-00803	District Court, E.D. California	Dale Alan Drozd	May 17, 2021	Copyright
Zync Music Group, LLC v. Round Hill Music Royalty Fund II LP	1:24-cv-03664	District Court, S.D. New York	Analisa Nadine Torres	May 13, 2024	Trademark

