

Daily Journal

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TOP VERDICTS OF 2015

The largest and most significant verdicts and appellate reversals handed down in California in 2015

TOP DEFENSE RESULTS

Fahmy v. Jay-Z

case INFO

Copyright infringement

Central District

U.S. District Judge Christina A. Snyder

Defense attorneys: Jenner & Block LLP, Andrew H. Bart, Daniel Rozansky, L. David Russell, Alexander M. Smith for Jay-Z;

Plaintiffs' attorneys: Browne George Ross LLP, Peter W. Ross, Keith J. Wesley, Jonathan L. Gottfried



ANDREW H. BART

Rapper Jay-Z brags, “I’m a pimp in every sense of the word,” in his 2000 hit single “Big Pimpin.”

But he’s no thief, as U.S. District Judge Christina A. Snyder ruled in effect following eight years of litigation and five days of trial testimony over claims Jay-Z and his producer infringed a plaintiff’s copyright in a song composed by his uncle called “Khosara, Khosara.”

The plaintiff had no case because he lacked standing to sue, the judge concluded in October after hearing that the Egypt-based

plaintiff owned no valid copyright due to his transfer of all economic rights in Egypt to the composition in a \$100,000 sale to the defendants. *Fahmy v. Jay-Z*, 07-CV5715 (C.D. Cal., filed Aug. 31, 2007).

The plaintiff sought millions of dollars from the defendants’ profits plus damages and an order barring the further sale or dis-

tribution of the recording and the destruction of all records containing the song.

Snyder heard five days of testimony on the ownership issue, then granted judgment as a matter of law in the defendants’ favor and dismissed the jury, ending the trial.

One complication was Egyptian intellectual property rights law, which recognizes so-called “moral rights.”

Snyder rejected the plaintiff’s contention that his economic rights transfer in Egypt was limited by the moral rights condition, which allegedly served to withhold the buyer’s freedom to make any alteration of the song.

Andrew H. Bart of Jenner & Block LLP led the team representing Jay-Z.

A member of the Mitchell Silberberg & Knupp LLP defense team representing Jay-Z’s band members and other co-defendants, David A. Steinberg, said the Egyptian angle was crucial to the case.

“Key here was that the court properly rejected the plaintiffs’ attempt to impose Egyptian law on transactions that were pertained to exploitations occurring outside Egypt,” Steinberg said. “The court properly concluded that the plaintiff was unable to prove ownership of a valid copyright to bring any claims under U.S. copyright law.

— John Roemer