



## The Chiffons v George Harrison

George Harrison of the Beatles made the hit single “My Sweet Lord.” The publisher for The Chiffons claimed that there were obvious similarities between Harrison’s song and their song, “He’s so Fine” and sued Harrison on behalf of the song writer, Ronnie Mack. It was ruled that Harrison “subconsciously replicated “He’s so Fine.” Harrison was apparently inspired by a different song called “Oh Happy Day” by the Edwin Hawkin Singers.

“I wasn’t consciously aware of the similarity between 'He’s So Fine' and 'My Sweet Lord' when I wrote the song, as it was more improvised and not so fixed," Harrison wrote in his autobiography I Me Mine. "Although when my version of the song came out and started to get a lot of airplay, people started talking about it, and it was then I thought, 'Why didn't I realize?' It would have been very easy to change a note here or there, and not affect the feeling of the record." (Mastropolo)

## Fair Use in the Age of the Internet

- “Fair use is the copying of copyrighted material for a transformative purpose such as criticism, comment, news reporting, teaching, scholarship, or research.”
- “Transformative works ‘lie at the heart of the fair use doctrine’ and ‘the more transformative the new work, the less will be the significance of other factors...that may weigh against a finding of fair use.’”
- “Fair use can be and is a useful tool for protecting transformative uses such as blogs against frivolous or hastily filed litigation. However, as it currently stands, the ambiguity of the fair use factors and the extreme discretion allowed to courts make fair use a weakened shield.”
- “The flexibility of fair use...becomes much more problematic when online content posters have become the target of poorly substantiated claims that have not adequately examined fair use. Indeed, online blogs have been a frequent target of copyright trolls. Yet their incorporation of copyrighted works can have a strong fair use argument.” (GOODYEAR)

## UMGvsTikTok

Back in early February of 2024 Universal music group pulled their music from tiktok which has 100+ artists under their list of copyright. Earlier this year there was a standoff with the price of the royalties coming from tiktok. This negotiation lasted about 2 weeks until UMG pulled their music from the app. UMG wanted more payment from tiktok because of how much the artist’s music is getting used. For Tik Tok they were arguing that it is a free promotion of the artist's music because they do not force the artist and UMG to pay a commission fee.

“Considering the large number of songwriters and publishers credited on most contemporary hit songs, it was unclear just how much music will be affected, or where the two companies might draw the line over whether or not a song is controlled by UMPG – for example, if one of seven writers on a song is under contract to Universal. Opinions differ widely: Sources close to UMG claim that it has a share in a majority of the songs on the platform, while ones close to TikTok places the number much smaller, between 20% and 30%. The latter sources also claim that TikTok has seen no drop in users since UMG music began to be removed earlier this month.”(Variety)

## AI and Music

With the rise of AI there has been a lot of discussion on what this means for the future of music. There are so many gray areas when it comes to AI. Some good things that have already come out of it are faster turnaround times when it comes to production. It is allowing for production staff to work even faster. When it comes to some bad things, anyone can copy an artist's voice. Which can be potentially damaging to an artist because why would they perform if there isn't a need for a performer? AI is so new to society that there are little to no regulations but already there is push by the US government for more protection when it comes to AI.

## Sampling

“There are two kinds of samples: an interpolation, where a musician re-records lyrics or music from another artist's song, and a more straightforward sample, where an artist incorporates elements of an original recording in a new song.”(Zaleski)

- Getting a sample requires: negotiated with all the parties that own the song you want to sample. There really is a process of getting it cleared.
- List of dos and don'ts when using samples.
  - Do: keep good records of songs sampled and paperwork such as contracts.
  - Do: know there will be limits on the sample depending on the agreement
  - Do: get a experienced music business attorney to make agreements
  - Don't: try to clear a sample last minute, it takes time

## Resources

Crawford, Tad, and Laura Mankin. “The Sonny Bono Copyright Term Extension Act.” PubSpot, <https://pubspot.ibpa-online.org/article/the-sonny-bono-copyright-term-extension-act>. Accessed 24 April 2024.

E, Matt. “Is Sampling a Form of Plagiarism?” School of Composition, <https://www.schoolofcomposition.com/is-sampling-a-form-of-plagiarism/>. Accessed 24 April 2024.

GOODYEAR, MICHAEL P. “FAIR USE, THE INTERNET AGE, AND RULIFYING THE BLOGOSPHERE.” UNH Law, [https://law.unh.edu/sites/default/files/media/2020/12/1-fair\\_use\\_the\\_internet\\_age\\_and\\_rulifying\\_the\\_blogosphere.pdf](https://law.unh.edu/sites/default/files/media/2020/12/1-fair_use_the_internet_age_and_rulifying_the_blogosphere.pdf). Accessed 24 April 2024.

Leight, Elias, and Kristin Robinson. “5 Ways AI Has Already Changed the Music Industry.” Wikipedia, <https://www.billboard.com/lists/ways-ai-has-changed-music-industry-artificial-intelligence/pitch-records/#1> Accessed 24 April 2024.

Mastropolo, Frank. “Why George Harrison Was Found Guilty of Plagiarism.” Ultimate Classic Rock, 31 August 2016, <https://ultimateclassicrock.com/george-harrison-my-sweet-lord-plagiarism/>. Accessed 24 April 2024.

Variety. “TikTok begins removing Universal Music publishing songs, expanding royalty battle.” NBC News, 27 February 2024, <https://www.nbcnews.com/tech/internet/tiktok-begins-removing-universal-music-publishing-songs-expanding-roya-rcna140713>. Accessed 24 April 2024.

Zaleski, Annie. “The Do's & Don'ts of Sample Clearances – Spotify for Artists.” Spotify for Artists, 16 August 2019, <https://artists.spotify.com/en/blog/the-dos-and-donts-of-sample-clearances>. Accessed 24 April 2024.