

From the Buffalo Business First:

<http://www.bizjournals.com/buffalo/news/2016/06/24/led-zeppelin-case-could-have-had-a-chilling-legal.html>

Led Zeppelin case could have had a chilling legal effect, lawyers agree

Jun 24, 2016, 7:39am EDT Updated: Jun 24, 2016, 8:51am EDT

There may be a lady who's sure that all that glitters is gold, but Thursday's verdict from a Los Angeles jury in the "Stairway to Heaven" copyright infringement case says otherwise.

The lawsuit was filed by the estate of former Spirit frontman Randy Wolfe (professionally known as Randy California) against Led Zeppelin linchpins Jimmy Page and Robert Plant, who co-wrote the beloved 1971 classic song.

Legal experts, both locally and nationally, agree the case will have a chilling effect on other songwriters who feel their tunes may have been used as the basis of other songs.

The high-profile case is the latest in a series of legal actions where songwriters were sued for what they created. Some like, former Beatle the late George Harrison, lost. Others prevailed.



VLADIMIR CETINSKI

"I'm not surprised that the case came out in this direction," said Brendan Lillis, a **Phillips Lytle LLP** associate who specializes in copyright cases. "I'm sure the music industry is breathing a sigh of relief."

Former British music journalist Michael Skidmore, who represented Wolfe's estate, brought the case against Page and Plant. At issue was whether a portion of Wolfe-penned song "Taurus", which appeared on an early Spirit album, served as the musical basis for the opening portion of "Stairway to Heaven."

Spirit and Led Zeppelin toured together in 1968 and Skidmore's legal team that's where contend Page and Plant first heard "Taurus." Wolfe died in 1997.

Page and Plant both denied knowing of "Taurus."

"The central question was where was the line between inspiration and improper appropriation," Lillis said.

Legal experts said Skidmore's case was thin.

"The amount of alleged similarity in this case was essentially a five-note 'baseline' and the jury found that the two works were not substantially similar," said J. Michael Keyes, a partner in the California-based Dorsey & Whitney law firm.

Keyes is regarded as a national intellectual property specialist.

The popularity of "Stairway to Heaven" aside, the ramifications from the jury verdict could have run deep.

Daniel Oliverio, **Hodgson Russ LLP** chairman, speculated had the jury ruled in favor of Wolfe's estate, it would have been "interesting" to see how the financial damages were calculated.

Legally, the monetary claim could only go back three years and not back 45 years when the song was first released on Led Zeppelin's fourth album.

Had the jury ruled in favor of Wolfe's estate, it may have opened the legal floodgates for similar suits, Oliverio said.

"Definitely more plaintiffs and plaintiff's attorneys would have taken a chance," Oliverio said. "I'm sure people would have said 'if Led Zeppelin can get knocked off then anyone can get knocked off.' This song is an anthem of the 1970s after all."

The week-long trial attracted a lot of attention, especially when both Page and Plant took the witness stand.

Page and Plant, in a statement issued late Thursday, said they were pleased with the verdict.

"We look forward to putting this legal matter behind us," they said in their statement.

During the trial, the jury didn't hear both songs but only a musical expert who performed snippets based on original sheet music.

Federal copyright law allows individuals to register sheet music or sound recordings. Spirit's management only registered the sheet music to "Taurus" and that may have limited what the jury heard as evidence.

WGRF-FM DJ John Piccillo, "JP" on the air, hosts a weekly "Get the Led Out" show on Sunday nights, said he, too, was relieved by the verdict.

"I never thought Skidmore had a leg to stand on," Piccillo said. "And, personally, I don't think it is fair to try and rewrite rock music history after 45 years."

James Fink

Reporter

Buffalo Business First

