

## McCartney, Sony Settle Copyright Suit Over Beatles Songs

By **Bill Donahue**

*Law360, New York (June 29, 2017, 10:07 PM EDT)* -- Paul McCartney has reached a settlement to resolve his lawsuit against publisher Sony/ATV over the rights to hundreds of Beatles songs, according to a court filing Thursday.

The deal will end a preemptive legal strike the rock legend filed against the publisher in January, one that sought an assurance that Sony/ATV wouldn't sue him for using the Copyright Act's so-called termination right to claw back the iconic songs.

The case, dealing with the interplay between the little-tested termination right and contract law, had been closely watched.

In the Thursday court filing, the two sides said they had resolved the case by entering into a confidential settlement agreement. Terms of the agreement were not disclosed. An attorney for Sony/ATV declined to comment; an attorney for McCartney did not immediately respond to a request for comment.

McCartney lost out on the rights to many of The Beatles' most iconic songs in 1985, when they were purchased by Michael Jackson. The estate of the late pop star sold the rights to Sony/ATV last year for a reported \$750 million.

U.S. copyright law allows creators like McCartney to "terminate" assignments of their rights after a number of years, a provision created in the 1970s in part to give artists and their heirs a chance to monetize valuable works that were handed over to a publisher. After McCartney exercised that right, the Beatles tracks are set to start reverting back to him next year.

But in December, a U.K. court ruled that a similar effort by the band Duran Duran to claw back its U.S. copyrights constituted a breach of their publishing contract under English law. The ruling, which is up on appeal, has created confusion over the termination right, which is supposed to trump contracts.

The decision apparently spooked McCartney, prompting him to reach out to Sony/ATV to ask if the publisher planned to bring a similar contract suit against him; when it failed to give him assurance that it would not, he filed suit.

"As long as Sony/ATV refuses to disavow any right to sue for breach of contract, McCartney has a cloud over the title to his works, which devalues his rights," McCartney's lawyers wrote in a filing in the case in March.

McCartney is represented by Michael A. Jacobs, Roman Swoopes, J. Alexander Lawrence and Paul Goldstein of Morrison & Foerster LLP, and John L. Eastman and Lee V. Eastman of Eastman & Eastman.

Sony/ATV is represented by Donald S. Zakarin and Ross McClintic Bagley of Pryor Cashman LLP

The case is James Paul McCartney v. Sony/ATV Music Publishing LLC et al., case number 1:17-cv-00363, in the U.S. District Court for the Southern District of New York.

--Editing by Aaron Pelc.

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