

Curcio Quoted in *Entertainment Law360* Story Titled “This Song was Made for You and Me”

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NEWS | 12.19.2016

Tanya Curcio, an attorney in the Vorys Washington, D.C. office, was quoted in an *Entertainment Law360* story about music in the public domain.

The story states:

“In the year since its resolution, the ‘Happy Birthday’ case has led not only to the two fresh suits but has opened a conversation about the public domain and who is — or isn’t — protecting it. For copyright holders, federal law offers a number of weapons — including the threat of hefty statutory penalties and the right to collect legal fees — to leverage and protect their claims. But there are few corresponding tools available for those who want to challenge a copyright claim and, in essence, protect the public domain.

But the \$14 million class settlement last December put copyright claimants on notice that potential licensees may not shy away from a legal challenge. Using the Declaratory Judgment Act, the plaintiffs secured a ruling that Warner/Chappell Music Inc. does not own a valid copyright to the song, which helped lead to the settlement that will pay the thousands who had to shell out licensing fees for the song.

‘I think the big thing about the ‘Happy Birthday’ case is that it made people start thinking,’ said intellectual property attorney Tanya Curcio of Vorys Sater Seymour and Pease LLP. ‘Instead of the routine of just ‘I need a license,’ people start thinking: ‘This is an older song that everyone knows. Why should I have to pay for this?’”

To read the entire story, visit the *Law360* website. (Subscription required).