

Jason Bloom in IP Watchdog: 'Minaj-Chapman Copyright Settlement is a Warning to Artists'

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PRACTICES Copyright, Intellectual Property

Haynes Boone Partner [Jason Bloom](#) was quoted in an *IP Watchdog* article about the implications of a copyright infringement settlement involving singer-songwriter Tracy Chapman and rap artist Nicki Minaj.

Here is an excerpt:

In September 2020, the U.S. District Court of the Central District of California granted partial summary judgment in favor of Minaj, resolving a copyright infringement dispute originally filed in 2018 by Chapman over Minaj's unauthorized use of Chapman's 1988 single, "Baby Can I Hold You." While the district court's partial summary judgment ruling for Minaj said that Minaj had established a fair use defense to Chapman's copyright infringement claims, it also said Chapman's distribution claim should be tried and resolved by a jury, so the case moved forward.

Jason Bloom, partner and Head of the Copyright Practice Group at Haynes Boone, commented that, while "[t]he settlement of the case has no impact on the state of the law," the outcome and significant sum should serve as a warning:

The fact that Minaj's side paid a significant sum to settle rather than face the expense and risk of trial, in addition to attorneys' fees they already incurred, should serve as a warning to those who want to publicly release songs containing samples of other artists' works without first obtaining a license. Win, lose, or settle, litigation is expensive and can often be avoided by proceeding with caution on the front end. That being said, the Court's summary judgment ruling that private sampling in the studio should be protected as a fair use seems to be the correct one. Copyright law is designed to protect against public performances, and what artists do in private while engaging in the creative process is generally not actionable.

To read the full article, click [here](#).