

Jason Bloom in Bloomberg Law: Taylor Swift Must Face 'Shake It Off' Case After Remand

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PRACTICES Copyright, Intellectual Property Litigation

Haynes Boone Partner [Jason Bloom](#) talked with *Bloomberg Law* about a recent Ninth Circuit decision on the Taylor Swift “Shake It Off” copyright infringement case.

Below is an excerpt:

Swift’s latest arguments to exit the case before the discovery, while “somewhat distinct,” were “indisputably interrelated” to one the U.S. Court of Appeals for the Ninth Circuit rejected, the U.S. District Court for the Central District of California said.

The decision follows what attorneys have described as a recent Ninth Circuit trend against quick wins in copyright cases.

It also shows that when deciding whether the “selection and arrangement” of unprotected elements has become protectable, the number of shared elements required may vary by art form. Literary works like song lyrics may not require the same “numerous” elements as other art forms under Ninth Circuit precedent, U.S. District Judge Michael W. Fitzgerald said.

Jason Bloom, a copyright attorney at Haynes Boone, said rulings like this one could set “bad precedent that forces defendants to defend meritless cases in expensive discovery.”

“I read this opinion as saying ‘my hands are tied by what the Ninth Circuit did,’” Bloom said. “Which is unfortunate. It will not survive in the long run. It’s a bad case.”

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