

Wesley Lewis in IP Magazine and World IP Review: 'Stairway to Heaven SCOTUS Review Denied'

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PRACTICES Intellectual Property, Copyright

Haynes Boone Associate Wesley Lewis was quoted in *IP Magazine* and *World IP Review* articles about the U.S. Supreme Court's (SCOTUS's) refusal to review a long-running copyright dispute between rock bands Spirit and Led Zeppelin.

Here is an excerpt from *IP Magazine*:

According to SCOTUS' order list released yesterday (5 October), the court declined a petition to hear the case over whether the English rock band's 1971 hit *Stairway to Heaven* copied a guitar riff from Spirit's 1960s song *Taurus*.

The decision to decline essentially leaves standing the Court of Appeals for the Ninth Circuit's March conclusion that Led Zeppelin did not copy the riff from *Taurus*.

Despite the denial, Haynes Boone's Wesley Lewis told *IPM* that the court's decision not to take up the case does not constitute a ruling on the merits; nor does it have any precedential effect, and it is "not necessarily true that SCOTUS agrees with the Ninth Circuit's holding on the merits".

"SCOTUS' recent denial of certiorari merely signifies that four justices did not find this case worthy of review."

Lewis commented, "With that caveat, the denial of certiorari suggests that SCOTUS was not convinced that the Ninth Circuit's holding was so erroneous as to require intervention at this juncture.

"Regardless of how the SCOTUS may have ultimately decided that issue, the court decided not to intervene. So, at least for now, the Ninth Circuit's holding will remain the law; accordingly, parties litigating copyright cases in the Ninth Circuit under the 1909 Act should be aware that the scope of an allegedly infringed copyright will be determined by what is on file with the Copyright Office."

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

To read the *World IP Review* article, click [here](#). (Subscription required)