

Wesley Lewis in World IP Review: 'Is Sampling Fair Use'?

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PRACTICES Intellectual Property, Copyright

Haynes Boone Associate Wesley Lewis talked with *World IP Review* about a lawsuit between Tracy Chapman and Nicki Minaj over whether sampling a song in the studio constitutes copyright infringement.

Below is an excerpt:

Sampling is a decades-old technique, but one which in recent years has become integral to the creative process of some of the world's most popular artists.

Clearing samples with the original copyright owners is now standard procedure in many major album releases, especially for hip-hop and pop music. If artists fail to obtain permission to use a sample, it can delay album releases or force them to cut a song from the tracklist.

That's precisely what happened with Nicki Minaj's 2018 album "Queen." While working on the album, Minaj collaborated with hip-hop legend Nas on the song "Sorry," built around a sample of Tracy Chapman's 1988 hit "Baby Can I Hold You."

But Chapman refused permission for Minaj to use the sample. Chapman subsequently sued Minaj for copyright infringement in October 2018.

.... Wesley Lewis, an associate at Haynes Boone, argues that a ruling in favor of Chapman would have a "chilling effect on the way music is made."

"Taking into account the realities of how music is produced today, artists typically need to be granted a certain amount of license to experiment with other people's work and incorporate or reference past musical traditions," Lewis says.

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