

Rap Group Beastie Boys Prevail in Court

Written by keith ID1528

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The Supreme Court on Monday declined to consider whether hip-hop rap group The Beastie Boys recording from 1992, infringed on the copyright of a jazz flutist's recording.

Without comment, justices let stand a lower court ruling against jazz artist James W. Newton. Newton contended that the punk rap artists "Pass the Mic" included a sample from his musical composition "Choir" without his full permission.

The rap and hip-hop group the Beastie Boys paid a licensing fee for the six-second, three-note segment of Newton's work, but failed to pay an additional fee to license the underlying composition.

The San Francisco-based 9th U.S. Circuit Court of Appeals agreed to dismiss Newton's lawsuit alleging copyright infringement. The appeals court reasoned that the short segment in "Pass the Mic" was not distinctive enough to be considered Newton's work.

Several members and representatives of the jazz and independent artists community - including the American Composers Forum, the Electronic Music Foundation and Meet the Composer - had filed a joint friend-of-the-court brief in support of Newton.

They urged the Supreme Court to clarify the scope of copyright law, given the growing practice of digital sampling, or recording a portion of a previously existing song, they say increasingly infringes on their ownership rights.

The case is Newton v. Diamond, 04-1219.

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