



msk wins reversal of “dark horse” copyright verdict

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MSK Client Alert

March 20, 2020

Last July, a team of MSK attorneys represented Defendants in a copyright infringement trial involving allegations that the ostinato (a musical phrase that repeats) in Katy Perry's 2013 song “Dark Horse” infringed the ostinato in Plaintiffs’ Christian rap song entitled “Joyful Noise.” After the jury returned a verdict in favor of Plaintiffs, MSK filed a motion seeking reversal, or in the alternative, a new trial.

This week, the Court granted MSK’s motion, overturned the jury verdict, and entered judgment in Defendants’ favor. The Court found that Plaintiffs’ copyright claim failed because the ostinato in “Joyful Noise” was commonplace expression that no music creator can monopolize...

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