

Crist Campaign's Copyright Violation Leads to Public Apology

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Last month, former Florida governor and U.S. Senate candidate Charlie Crist issued a public apology for his campaign's unauthorized use of the quirky 1980s tune *Road to Nowhere* in a television commercial. The apology was part of a negotiated settlement with the song's author, David Byrne, stemming from alleged violations of the Copyright Act and federal trademark law.

Almost a year earlier, Byrne had filed suit in federal court seeking more than \$1 million in damages for the Crist campaign's unlicensed use of the song in an advertisement attacking now-Senator Marco Rubio (R-FL). At the time, Crist was locked in a battle with Rubio to win the Republican nomination for the U.S. Senate seat held by interim appointee George LeMieux. According to the complaint, neither Crist nor his campaign had ever sought or received permission from Byrne or his former group, Talking Heads, to use the song. Published reports suggested that Crist and the advertising agency blamed each other for the problem.

Rather than go to trial, Crist and Byrne agreed to settle the matter on the condition that Crist issue a 90-second apology. As part of the apology, which was quickly posted on YouTube, Crist admitted that his campaign's use of the song "was wrong and should not have occurred" and that he did not "condone any actions taken by anyone involved in the Senate campaign that were inconsistent with David Byrne's rights . . . or the various legal protections afforded to intellectual property." Over 100,000 individuals have viewed the apology thus far.

Authors

Michael E. Toner
Partner
202.719.7545
mtoner@wiley.law

The intersection of pop culture, campaign finance and copyright law is becoming more commonplace in recent years. Indeed, Sen. Rubio's own campaign faced similar allegations over its use of the song *Take the Money and Run* by the Steve Miller Band. Copyright issues even arose in the 2008 presidential election. After the race was over, John McCain and the Republican Party settled a lawsuit by apologizing to Jackson Browne for using the artist's song *Running on Empty* in a web advertisement.