

Proskauer Rose Wins Important Copyright Victory

Linden Alschuler & Kaplan, Inc. 212-575-4545 on June 19, 2006

June 19, 2006 (New York, NY) - A jury ruled in favor of Proskauer Rose LLP client The White Stripes in a week-long copyright trial in the United States District Court in the Eastern District of Michigan. At stake were the ownership rights in the rock band's first two albums.

The case was brought against the band by Jim Diamond, an individual credited as a co-producer of The White Stripes' self-titled debut album and a sound mixer on its 2000 album "De Stijl." Diamond claimed that his work on the albums entitled him to share in the royalties and copyright co-ownership of both albums.

Proskauer Rose partner Bert Deixler, who represented The White Stripes in the trial, argued that Diamond's technical work on either album did not meet the Copyright Act definition for creating an original work and, as such, did not meet the standard for authorship.

"This was an important decision for the protection of the copyright ownership for all recording artists and record labels," said Deixler. "Had Mr. Diamond prevailed, it would have opened the door to an untold number of technical contributors to sue artists with similar claims, putting at significant risk the ability of artists to peacefully own and profit from their original work."

"While Mr. Diamond was no doubt involved with these albums, his role was akin to that of a carpenter following a blueprint - it did not entitle him to royalties or copyright," Deixler told the jury. "The White Stripes are pleased that the jury agreed."

He added that the case underscored the importance of expanding the use of work-for hire agreements, which are commonly made between artists and producers to ensure that producers do not make a future copyright claim on their collaboration, but are often not made with engineers, sound mixers and the like.

"We're now beginning to see the extension of work-for-hire agreements to all participants in the recording process, which will be invaluable to avoiding future litigation of this type," said Mr. Deixler.

In addition to Mr. Deixler, the Proskauer team representing The White Stripes included Hayes Michel, Brian Downing, and Matt Bowman.