



Contact

**Charles B. Ortner**

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Charles B. Ortner, a partner in the Litigation Department, focuses his practice on the entertainment and media industries. The matters which Chuck has handled, as a litigator or as a counselor and strategic advisor, cover virtually the entire entertainment and media legal and business landscapes, including copyright, trademark, false advertising and unfair competition, contract disputes, libel and slander, privacy, internal corporate investigations, defense of class actions, senior executive contract negotiations and terminations, securities law litigation, and significant business transactions, including mergers and catalogue acquisitions. He also is the National Legal Counsel to the National Academy of Recording Arts & Sciences, Inc. (the GRAMMY® Award organization).

Chuck has represented many leading entertainment and media industry institutions, including: Bertelsmann A.G.; SONY/BMG Music Entertainment (including The RCA Records Group, Arista Records, J Records and Jive Records); Sony Music Entertainment; BMG Music Publishing; Universal Music Group (including Interscope Records and Island/Def Jam); Warner Music Group (including Warner Bros. Records, Elektra Records, Maverick Records, Atlantic Recordings and Warner/Chappell Music); EMI (including Capitol Records, EMI Records, Virgin Records and EMI Music Publishing); Sony Pictures/Columbia Pictures; Hasbro, Inc.; Sega; Palm Pictures; Windup Records; Blackground Records; Ken Ehrlich

Productions; and Primary Wave Music Publishing. Chuck has also represented many of the top personal managers in the music industry.

Chuck has represented many of the world's most successful recording artists (including Madonna, U2, Shania Twain, Lady Gaga, Kanye West, Michael Jackson, Sting, The Police, Janet Jackson, Green Day, Ke\$ha, The Eagles, Bon Jovi, John Legend, Bonnie Raitt, Trent Reznor/Nine Inch Nails, Sean "Diddy" Combs, Lynyrd Skynyrd, Maroon 5, Joss Stone, My Chemical Romance, Matisyahu, Cyndi Lauper, Whitney Houston, Meat Loaf, Collective Soul, Lauryn Hill, and Rob Thomas/Matchbox 20), renowned record producers (including Phil Ramone, Rick Rubin, Jermaine Dupri, and Kenny "Babyface" Edmonds) and leading entertainment industry executives and entrepreneurs (including Clive Davis, Jimmy Iovine, Chris Blackwell, Russell Simmons, Clive Calder, Robert Sillerman and Antonio "LA" Reid).

Named by The Hollywood Reporter as an industry "Power Lawyer," Chuck is recognized as one of the top entertainment lawyers. *Chambers USA*, a leading independent lawyer rating service, has described Chuck as a "legendary music expert [and] one of the premier lawyers in the copyright world," and reports that he "is lauded by clients as a 'really brilliant strategist...'" Chuck also is listed in *Best Lawyers in America*, *Expert Guides to the World's Leading Lawyers for Technology, Media and Telecommunications Law*, *New York Super Lawyers* and *Lawdragon*. He has been an invited speaker at bar association and continuing legal education programs, law school classes and seminars throughout the United States, including Harvard Law School, Stanford Law School, Georgetown University Law Center, Columbia University School of Business, Boston University School of Law, Brooklyn Law School and the Annenberg Foundation.

Chuck was appointed by President Barack Obama to the Board of Trustees of The John F. Kennedy Center for the Performing Arts for an initial six-year term in 2010, and was reappointed by President Obama for an additional six-year term in 2016. Chuck is a member of the Board of Directors of the Grammy Museum, the Born This Way Foundation (Lady Gaga's charitable foundation), and the Board of Trustees of the T.J. Martell Foundation for cancer research. He previously served as member of the Board of Directors of the Multiple Myeloma Research Foundation, as president of the Kanye West Foundation (a charity devoted to educational initiatives) and as a member of the boards of the Los Angeles Philharmonic and its Hollywood Bowl Committee, Americans For The Arts (one of the nation's preeminent arts advocacy

organizations), and the board of Carnegie Hall. Chuck was awarded the Grammy Foundation's Service Award for his contributions to the betterment of the entertainment industry, and the Recording Academy's President's Merit Award in recognition of his "tireless dedicated service and counsel" to the Grammy Awards organization and its more than 20,000 recording artists, songwriters, producers and other members of the music industry.

Chuck served as an Aide to John V. Lindsay, Mayor of the City of New York, and as an Assistant to Whitney North Seymour, Jr., United States Attorney for the Southern District of New York.

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## Matters

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### Among the landmark entertainment industry cases Chuck has handled are:

- *Sanabria, et al v. National Academy of Recording Arts & Sciences*, in which we successfully defended the GRAMMY® Award organization. The court dismissed a putative class action brought by four Latin Jazz recording artists challenging the decision by the Academy's Board of Trustees to eliminate Best Latin Jazz Album as a separate Grammy Award category in connection with the revamping of Grammy Award categories.
- *Humphrey v. Def Jam and CBS Records*, a copyright case in which the plaintiff, relying upon voiceprint technology, falsely claimed that his voice was the voice of the rap superstar L.L. Cool J on the hit album, "Radio." At the trial, the court dismissed the complaint, imposed monetary sanctions against the plaintiff's attorneys and cancelled the plaintiff's fraudulent copyright registration.
- *Island Records v. SST Records*, in which Island Records obtained a copyright and Lanham Trademark Act injunction and seizure of infringing goods against a record company which was distributing a purported parody album. The defendant's album packaging deceptively created the appearance that its

album was a genuine U2 album.

- *Sanga Music v. EMI Music Publishing and Reprise Records*, in which the District Court granted, and the Second Circuit affirmed, summary judgment dismissing a copyright infringement lawsuit arising out of the recording by Enya of the song, “How Can I Keep From Singing” in the hit album, “Shepherd’s Moon.” The defendants demonstrated that nearly 40 years before the lawsuit, the plaintiff songwriter had allowed her composition to enter the public domain by authorizing a friend to publish the song, without a copyright notice, in an obscure folk song periodical.
- *Mark Onofrio v. Trent Reznor, Nine Inch Nails and Interscope Records*, in which the Ninth Circuit Court of Appeals affirmed the grant of summary judgment dismissing copyright claims involving five songs on the hit album, Downward Spiral, and awarded the defendants their prevailing party attorneys’ fees under the Copyright Act
- *PolyGram Records v. Glotzer and Benjamin*, in which the court sustained PolyGram’s complaint alleging fraud claims under the Securities Exchange Act of 1934 in a dispute concerning PolyGram’s investment in a privately held video distribution venture
- *Sylvester v. RCA Records, et al.*, a class action against the four largest record companies, in which the court dismissed the complaint seeking a declaratory judgment that the digital and other new media exploitation rights belonged to virtually every recording artist who had ever recorded for a major label
- *Dan Brown, Random House, Sony Pictures, et al. v. Lewis Purdue*, in which the U.S. District Court, Second Circuit Court of Appeals and U.S. Supreme Court dismissed a copyright infringement lawsuit which sought, among other things, to enjoin the release and distribution of the “Da Vinci Code” motion picture
- *MGM v. Grokster*, in which we filed amicus briefs on behalf of The Recording Academy, the Recording Artists’ Coalition and over 50 leading recording artists, successfully arguing that the Grokster and similar on-line music sharing systems were engaged in massive copyright infringement
- *Jacques Agnant vs. Estate of Tupac Shakur, Interscope Records, et al.*, in which the U.S. District Court granted Summary Judgment dismissing plaintiff’s

## Practices

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Litigation

## Education

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Brooklyn Law School, J.D., 1971

Washington University, A.B., 1967

## Admissions & Qualifications

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New York

## Court Admissions

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U.S. Supreme Court

U.S. Court of Appeals, Second Circuit

U.S. Court of Appeals, Third Circuit

U.S. Court of Appeals, Fifth Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, New York, Eastern District

U.S. District Court, New York, Southern District

## Memberships

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American Bar Association

New York City Bar

New York State Bar Association (Committee on Reform of the New York State  
Legislature)

T.J. Martell Foundation, Member of the National Board of Directors

Formerly, Americans for the Arts Board of Directors

## Awards & Recognition

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Chambers USA: New York: Media & Entertainment: Copyright & Contract Disputes  
2005-2017

Best Lawyers in America: Entertainment Law - Music 2001-2021

National Law Journal: Intellectual Property Trailblazers & Pioneers 2014

The Legal 500 United States: Intellectual Property: Copyright 2014-2015

Super Lawyers: 50 Attorneys of Note in the Music Biz 2014

The Legal 500 United States: MT & T: Film, Music, Theatre & Television: Advice to Corporates 2009

The Legal 500 United States: MT & T: Film, Music, Theatre & Television: Advice to Talent 2009

Expert Guides to the World's Leading Lawyers for Technology, Media and Telecommunications Law

New York Super Lawyers 2006-2020

Who's Who Legal: Entertainment Law 2015

"3000 leading lawyers in the United States," Lawdragon

The Hollywood Reporter 100 "Power Lawyers" in the Entertainment Industry

The Hollywood Reporter, Top 100 Attorneys 2017

Martindale-Hubbell: AV-Rated

Fellow, American Bar Foundation

Honored by the GRAMMY Foundation® as recipient of its prestigious Service Award, 2013