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## IP SOCIETY HOSTS SKIDMORE V. LED ZEPPELIN LIVE STREAM EVENT



September 23, 2019

Professor Christopher Buccafusco introduced the live streaming of the 9th Circuit oral arguments for *Skidmore v. Led Zeppelin*, the controversial copyright lawsuit concerning the song "Stairway to Heaven."

Buccafusco offered an overview of the case issues to a packed audience of Cardozo students, intellectual property groups and staff.

The hearing on Sept. 23, which took place in the 9th U.S. Circuit Court of Appeals in San Francisco, centered on Led Zeppelin's appeal in a lawsuit alleging that the group's 1971 hit "Stairway to Heaven" was stolen from rock band Spirit's 1968 song "Taurus." The case was re-instated because the prior court ruled that the trial court had not properly instructed the jury on the infringement standard.

Buccafusco played both songs to let the event attendees compare the "claim of similarity in the song as a whole." He also mentioned several claims brought by the plaintiffs including "falsification of rock and roll history."

*Skidmore v. Led Zeppelin* has prompted intellectual property scholars, including Buccafusco, to file briefs regarding music copyright law. Buccafusco's [amicus brief \(https://law.vanderbilt.edu/news/joseph-fishman-co-authors-amicus-brief-addressing-stairway-to-heaven-copyright-infringement-case/\)](https://law.vanderbilt.edu/news/joseph-fishman-co-authors-amicus-brief-addressing-stairway-to-heaven-copyright-infringement-case/), co-authored by professors from Vanderbilt and Stanford, calls for courts to adopt the "virtually identical" test. The professors stress that just one similar snippet or part of a song is not enough to claim infringement. They call for a higher degree of overlap between the songs and stress that prior access to the work should not be a factor.

Depending on the outcome, the next step for the case could be the U.S. Supreme Court. Buccafusco joked that it could be a possibility given the number of Led Zeppelin posters between the justices.

*The event was presented by Cardozo's Intellectual Property and Information Law Program and the Intellectual Property Law Society.*

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