

# Daily Journal

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## INTELLECTUAL PROPERTY 2012<sup>®</sup>

### TOP 75 INTELLECTUAL PROPERTY LITIGATORS



**Jeffrey D. Goldman**

Jeffer Mangels Butler & Mitchell LLP  
Los Angeles

Pursuing a career in the law wasn't a difficult choice for Goldman. His grandfather, Lou Goldman, was a seasoned entertainment lawyer, and his father and two uncles followed suit. The three brothers worked together as transactional entertainment lawyers at Goldman & Kagon, and the third generation heir to the tradition found himself summering there as a clerk.

"I always knew I was going to be a lawyer, and I always wanted to be an entertainment lawyer," Goldman said. "I just never imagined I'd be a litigator."

Goldman broke with family tradition at a young age, starting out as an associate in general litigation at Mitchell Silberberg & Knupp LLP. The intellectual property focus came later, in the second half of the 1990s, when he started working with the music industry's biggest label, UMG Recordings Inc. Combining his litigation experience with a lifelong immersion in the entertainment industry was "an evolving process," he recalled.

Now Goldman spends 100 percent of his time litigating matters for entertainment clients — the primary one being UMG.

This year, he resolved various copyright infringement

complaints against UMG over songs ranging from 1970s hits "Fallin' In Love Again" and "This Christmas" to Mariah Carey's "We Belong Together" and Nelly Furtado's "Do It." He also represented UMG as it asserted its copyrights against "The Ellen DeGeneres Show" and Myxer Inc., an online company that sells cell phone ringtones. *Arista Music v. Time Warner, Inc. et al*, CV10-1662 (C.D. Cal., filed Mar. 8, 2010) and *Arista Records LLC, et al. vs. Myxer Inc.*, CV08-03935 (C.D. Cal., filed June 16, 2008).

Most recently, Goldman has been defending UMG in five class actions lodged by recording artists who claim they're owed millions of dollars in unpaid royalties for digital music sales. The cases are part of an exploding series of lawsuits that arose after the 9th U.S. Circuit Court of Appeals ruled that a digital music sale should no longer be accounted for in the same way as a physical sale — for which 12 percent to 20 percent of revenue is typically allocated to the artist. Instead, the court viewed digital sales as the licensing of a master recording, the royalties from which are typically shared 50-50 between an artist and his or her label. *James v. UMG Recordings Inc.*, CV11-01613 (N.D. Cal., filed Apr. 1, 2011).

They're not exactly intellectual property disputes, Goldman conceded, but the contractual claims have arisen because "the media by which intellectual property is delivered keeps changing."

Goldman said it's a pattern he's seen repeat itself throughout his 20-year career. "We've gone from VHS to DVDs, vinyl to CDs to downloads, and issues arise because people view the changes in media as changing each party's various legal rights."

Those are the kinds of questions, he said, that keep his practice fresh and evolving.

— Erica E. Phillips