

Village People Frontman Wins Court Battle to Reclaim Song Rights

Written by Lucky
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In a court ruling with significant implications for the music industry, a California judge has dismissed a suit by two song publishing companies aimed at preventing Victor Willis, former lead singer of the 1970s disco group the Village People, from exercising his right to reclaim ownership of “YMCA” and other hit songs he wrote.

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Early last year, Mr. Willis invoked a provision of copyright law called “termination rights,” which gives recording artists and songwriters the ability to reacquire and administer their work themselves after 35 years have elapsed. The song publishers, Scorpio Music and Can’t Stop Productions, countered by arguing that Mr. Willis had no legal standing to take that or any other action because he had “no right, title or interest in the copyright” to the songs.

On Monday, Chief Judge Barry T. Moskowitz of Federal District Court in Los Angeles rejected the song publishers’ claim that Mr. Willis was not eligible to reclaim his share of ownership of “YMCA,” whose lyrics he wrote, and 32 other songs recorded by the Village People. The companies had initially argued that Mr. Willis had merely created “works for hire” while, in essence, an employee of the company that managed the group. They also claimed he could not reclaim his share of the song because a majority of the other copyright holders had not agreed, the issue that the judge’s ruling addressed.

“The purpose of the act was to ‘safeguard authors against unremunerative transfers’ and address ‘the unequal bargaining position of authors, resulting in part from the impossibility of determining a work’s value until it has been exploited,’ ” Judge Moskowitz wrote in his 10-page ruling. “Under plaintiffs’ interpretation, it would be more difficult to terminate an individual grant than it would be to make it in the first place.”

The termination rights provision was included in a revision of copyright law that went into effect in 1978, meaning that recording artists and songwriters can in 2013 begin to regain ownership of work whose control they signed away early in their careers, when they had little bargaining power. As a result, artists like Bruce Springsteen, Billy Joel, the Eagles and other big names from the 1970s will soon be eligible to reclaim ownership of recordings that have sold millions of copies and made millions of dollars for song publishers and the four major record companies. Sales of recorded music have dropped by more than half since 2000.

Stewart L. Levy, a lawyer for the publishing companies, wrote in an e-mail Tuesday: “It should be noted at the outset that the court decision is not a ‘big victory’ for Mr. Willis,” because it “did not determine the extent of Mr. Willis’s interests in the various compositions.”

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"We predict when such a determination is made there will be little change from the current status that exists today," he said. "The case, in short, is far from over."

In some ways, Mr. Willis and the Village People make for an unlikely test of the termination rights provision. Unlike many of the rock and soul bands of that era, the campy, gaudily costumed Village People did not come together organically, but were assembled by producers and managers, with each member assigned a specific role. Onstage, Mr. Willis usually dressed as a police or naval officer, with his band mates appearing in Indian headdresses, a sailor's uniform or as a motorcyclist in black leather.

"This is the first case that's interpreting the statute that deals with termination rights," Brian D. Caplan, Mr. Willis's lawyer, said in a telephone interview. "The significance of the ruling is that one author who gives a grant to a publishing company has the right to recapture the copyright interest he created 35 years ago regardless of what other co-authors do or don't do, and that the author gets back that which he created regardless of the income stream he agreed to over 35 years ago."

Lawyers for the song publishers eventually withdrew their claim that Mr. Willis had created a "work for hire," so that issue remains to be formally adjudicated. But Judge Moskowitz was emphatic that circumstances exist in which musical creators, meaning both songwriters and recording artists, are entitled to "recapture" their interest in a musical work after 35 years even if their original contract precluded them from doing so.

In Mr. Willis's case, that means he regains partial ownership not just of "YMCA" but also of other hits, like "In the Navy" and "Go West," that have been used in films, games, television, ring tones and public performances, generating millions of dollars in royalties. The song publishers had argued that Mr. Willis was entitled only to a royalty rate of 12 to 20 percent in perpetuity because that was what he agreed to in the 1970s.

"I'm extremely pleased with the court's determination," Mr. Willis said in a written statement issued Tuesday. "And I look forward to controlling my copyright interests in 2013, as the law provides."

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