

Copyright

Jenner & Block is a nationwide leader in helping content owners safeguard and monetize their intellectual property, enforce their rights, and defend against claims brought by others. Our lawyers represent most of the major media, technology, and entertainment companies on cutting-edge and emerging copyright issues like artificial intelligence and augmented and virtual reality.

We are among the nation's leading practitioners in traditional copyright and entertainment litigation—named *Law360's* “Practice Group of the Year” for Media & Entertainment eight times, and frequently recognized by legal and industry publications, including *Chambers USA*, *The Hollywood Reporter*, *Billboard*, and *Variety*.

The impact of our copyright work stretches well beyond legal and commercial outcomes for our clients and into the general public's daily life. We have handled many of the most consequential copyright cases in history and been intimately involved in negotiations leading to the enactment of most of the significant copyright legislation over the last 25 years, including the Digital Millennium Copyright Act (DMCA) and Music Modernization Act (MMA).

Our lawyers are at the forefront of shaping US copyright law and analyzing issues affecting traditional and high-tech content creators. Clients call upon us to analyze their most challenging copyright issues. We regularly counsel clients and “see around corners” on content protection and enforcement strategies and help them analyze complex issues concerning the application of copyright and related laws to evolving and emerging technologies and to new business models, platforms, and products.

Shaping the Direction of Copyright Law

Throughout our history, we have shaped the direction of copyright law. Our lawyers have handled some of the most important copyright cases of our time, including *MGM Studios v. Grokster*, which *The National Law Journal* described as “the most important copyright challenge in decades,” *Viacom v. YouTube*, which has been called “the most high profile and momentous case in the copyright market,” and *WNET v. Aereo*, which *The New York Times* described as “a case with far-reaching implications” for the entertainment and technology industries. More recently, our lawyers played a significant role in *Andy Warhol Foundation for the Visual Arts, Inc. v. Goldsmith et al.* in the US Supreme Court.

The Go-To Firm for Copyright Owners

We are the firm of choice for film studios, record companies, authors, publishers, and other copyright owners of all kinds in high-profile litigation, spanning issues such as substantial similarity, secondary liability, fair use, anti-circumvention, renewal and termination rights, theft of ideas, and intellectual property joint ventures. Clients also frequently come to us for contractual disputes relating to content and rights acquisition and distribution, talent and artist agreements, and royalty rate accountings. These claims relate to subjects as varied as the scope of rights granted, the applicable rates for digital exploitation, the propriety of deductions taken, exploitation and collections by foreign subsidiaries, joint authorship, and many more.

We routinely work on copyright cases that shape how business is done—and how media and entertainment is consumed—throughout the country. By combining deep insight into the affected industries, broad legal experience, and technological knowledge and sophistication, we help our clients protect their content across all media and platforms. Because of this experience, a broad array of companies with valuable copyrights regularly call upon Jenner & Block.

Navigating an Evolving Technological Landscape

Jenner & Block's multidisciplinary team is at the forefront of guiding clients through fast-paced developments in emerging and disruptive areas including artificial intelligence, immersive computing, and online sports betting. We provide sophisticated insight and informed guidance on the myriad issues implicated by new technologies—including copyright and other intellectual property questions.

Experience

- Represented Princeton University in litigation in the Northern District of California alleging copyright infringement and trade secret misappropriation related to academic research into machine learning and computer vision, securing dismissal and summary judgment wins before reaching settlement.
- Representing Disney, NBCUniversal, and Warner Bros. Discovery in landmark copyright infringement litigation against AI image and video generator services, Midjourney and MiniMax. The lawsuits challenge these services' large-scale copyright infringement of the studios' most iconic characters.
- Representing News Corp and Dow Jones in a first-of-its-kind copyright and trademark infringement lawsuit against Perplexity AI, alleging it scraped and repackaged proprietary news content without authorization for use in its retrieval-augmented generation (RAG) system.

- Obtained a complete victory for Evolution Media, a production company subsidiary of MGM Studios, in a copyright and contract dispute over music used in *The Real Housewives of Beverly Hills*. The case involved application of the copyright work-for-hire doctrine and foreign royalty calculations for streaming distribution.
- Successfully defended Twentieth Century Fox Film Corp. against allegations it improperly based its hit show *Empire* on Sophia Eggleston's memoir. Seeking millions of dollars in damages, Eggleston alleged that Fox and *Empire* executive producer Lee Daniels copied from her 2009 memoir when writing Taraji P. Henson's character Cookie Lyon. The Eastern District of Michigan dismissed the copyright claim, finding, among other things, that copyright protection could not extend to biographical facts about the plaintiff's life.
- Represented Snoop Dogg, Gala Games, and Death Row Records in defending against a copyright infringement suit involving the exploitation of one of Snoop's recent albums as part of an exclusive NFT offering.
- Won early dismissal of a copyright infringement lawsuit based on the critically acclaimed movie *Gone Girl* on behalf of Twentieth Century Fox, author Gillian Flynn, director David Fincher, and producers Reese Witherspoon and Bruna Papandrea. The plaintiff alleged that *Gone Girl* infringed her screenplay. The court dismissed the case with prejudice on the grounds that the complaint failed to allege sufficient access and that the works were not substantially similar.
- In a case of critical importance to the television industry, represented a consortium of broadcast television companies at every stage of litigation in a copyright case against Aereo, Inc., a company that captured over-the-air television programming and retransmitted that programming over the internet without the authority of the copyright owners. The Supreme Court ruled in favor of our clients, resulting in a monumental win for broadcasters and copyright owners.

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