

Back Down the Stairway Part 2

By: Graydon on October 9, 2018 on graydon.law

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I posted a [blog last week](#) about the Ninth Circuit's ruling in the copyright infringement suit against Led Zeppelin. In short, the Ninth Circuit vacated a jury verdict finding that "Stairway to Heaven" didn't infringe the Spirit song "Taurus."

In my blog, I asked people for their thoughts about whether the two songs sounded alike. I got a variety of responses.

On the side supporting the notion that there was infringement are my partner Jeff Hendricks, who said: "Spirit is owed some \$\$\$." Jeff, however, is a creditor's rights attorney, so he may be looking to get hired for the collection effort. Similarly, my good friend Louis Proietti noted: "My answer is yes, they sound alike. There's a riff that Led Zeppelin must have lifted wholesale." But Louis doesn't like Crosby, Stills Nash & Young. So really, what does he know?

On the other side of the spectrum, we had this from Pete Buscani, Executive Vice President for Marketing at LaRosa's:

"I think the original verdict was right on. While I hear similarities in the opening chords, it seems far from copyright infringement. It sounds to me like the Appeals Court had a bigger issue with procedure in the first trial. I think on further appeal there could very well be a different verdict. Once again, the artists suffer while the lawyers make more money!"

Ah yes, a shot at the lawyers. If I didn't like their pizza so much, I'd be offended. Speaking of lawyers, my friend and fellow attorney Bob Hust (who also is co-host of Blue Snakes & Banjoes on WAIF) notes:

"Except for a brief segment at about the 1:42 mark, which is virtually identical, no, they don't sound alike. Sounds like someone in Spirit got a bustle in their hedgerow over this."

My friend Rick Elliott was more to the point: "I don't think they sound anything alike."

John Fox, editor of Cincinnati Magazine, didn't weigh in on the similarity question, due to computer issues, but did take me to task for my content: "But as a copy editor, I suggest

you look at your third paragraph and change reader's to readers' — I'm hoping your award-winning blog has more than one reader.”

Correction noted. It is apparently tough to turn off the editor ~~switceh~~ switch.

Fun little survey. I appreciate everyone's comments.