

Brian D. Caplan



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EXPERIENCE

Brian D. Caplan has more than 33 years' experience litigating a broad range of entertainment, intellectual property and commercial matters. His clients have included recording artists and producers, songwriters, publishing companies, record labels, personal managers, business management, accounting firms, professional athletes, small business owners, and dealers in fine art.

In addition to contractual disputes, defamation cases and the prosecution and defense of copyright and trademark infringement actions, Mr. Caplan has represented clients in a broad range of disputes relating to partnerships and closely held corporations, as well as employment matters.

Mr. Caplan is frequently called upon to speak at seminars conducted in the United States and abroad and at select universities with respect to intellectual property matters and the dynamics of the entertainment industry. He is an annual Lecturer before the North American Entertainment & Sports Law Symposium and has lectured as an authority on United States copyright law before the International Association of Entertainment Lawyers annual Midem conference in Cannes, France, as well as the Copyright Society of the USA and the American Bar Association.

Among other successful representations, Brian has:

Represented publishing companies, recording artists and producers in copyright infringement and co-authorship actions.

Counseled clients with respect to copyright termination issues.

Represented leading recording artists, performing around the country, in legal actions to seize non-licensed bootleg merchandise.

Assisted a song writer/music publisher in her quest to reacquire her multimillion dollar publishing catalogue in a highly contested legal proceeding.

Represented a number of top-selling recording artists and song writers in litigations against their respective major record labels and music publishers to recover royalties due under recording and publishing agreements.

Represented one of France's best-known musical groups in actions against copycat bands usurping their name, and the venues permitting them to perform.

Helped a garment industry licensor recover over \$1,000,000 from one of its licensees.

Represented several musical groups in connection with claims made against them by departing band members.

Successfully represented both bands and managers in various management disputes.

Represented class members in a class action against Sony BMG Music Entertainment in a precedent setting case challenging the methodology that record companies use to pay recording artist and record producers for digital downloads and ringtones

Successfully represented an NBA basketball star in a claim brought against him for an agent's commission

JURY TRIAL VICTORIES

Victor Willis v. Scorpio Music and Henry Belolo (obtained a declaratory judgment for the plaintiff confirming copyright termination and a 50% copyright interest in "YMCA" and 12 other music compositions) (U.S.D.C., S.D. Calif)

Lederman and Snyder v. Popovich (obtained a \$1,849,677 jury verdict in a breach of fiduciary duty/ misappropriation of corporate opportunity case) (U.S.D.C., N.D. Ohio)

Lyubovny v. William Roberts III p/k/a "Rick Ross" (obtained a \$300,000 jury verdict in a civil assault case) (U.S.D.C., S.D. N. Y.)

EDUCATION

Pace University (J.D., 1984)

Brandeis University (B.A., 1982)

PROFESSIONAL

The co-vice-chair of the Litigation Division of the American Bar Association Forum on Entertainment and Sports Industries

A member of the ABA, the Westchester County and New York State Bar Associations

A member of the Copyright Society of the USA

A member of the International Association of Entertainment Lawyers

A member of the board of directors of the Peekskill Lincoln Depot Foundation, a 501 (c)(3) not-for profit corporation, which has built a new Abraham Lincoln Museum in Peekskill, New York.

ADMISSIONS

New York

New York US District Court

Southern and Eastern Districts of New York

The U.S. Courts of Appeals for the First, Second, and Ninth Circuits

U.S. District Court for the Southern District of Indiana

PUBLICATIONS

Entertainment, Arts and Sports Law Journal "Sometimes Just Say No: Assessing a Potential Plaintiff's Copyright Infringement Claim"

Billboard.com (quoted) "Could Taylor Swift Re-Record All Her Old Songs? Should She? Legal Experts Weigh In"

Billboard.com (quoted) "Could Louis Tomlinson or Harry Styles Have a Legal Case Against HBO Over 'Euphoria' Animated Sex Scene?"

Law360.com (quoted) "Viacom Can't Sue Over 'Double Dare' Trademark Threats"

Law360.com (quoted) "Color Me Badd Singer Accused Of Taking TM For Solo Career"

Concert Venue and Promoter Liability for Violent Acts and Injuries at Concerts — Entertainment, Arts and Sports Law Journal, a publication of the Entertainment, Arts and Sports Law Section of the New York State Bar Association. Volume 29, No. 3, Fall/Winter 2018. <https://www.nysba.org/WorkArea/DownloadAsset.aspx?id=87626>

Navigating U.S. Copyright Termination Rights - Landslide, A Publication of the ABA Section of Intellectual Property Law. January/February 2013

Producer, Remixes, Recording Artist and Co-Arthur: A Case Study - The International Association of Entertainment Lawyers, Winter 2005 Compendium

Remixes, Derivatives Works and Compulsory Mechanical Licenses - Andrew Litigation Reporter Entertainment Industry, 2007

RECOGNITION

New York Super Lawyers (2010, 2012 - 2021)