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CALIFORNIA

# TRAILBLAZERS

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## ANDREW GASS LATHAM & WATKINS



**PIONEER SPIRIT** Andrew Gass watched as members of the 1960s rock group The Turtles successfully sued Sirius XM over licensing fees for their old songs. Gass represents Pandora Media – and suspected his client would be the next litigation target. But by claiming a First Amendment right for Pandora, he forced the plaintiffs to meet higher standards. At the same time, he helped write new federal legislation that changes copyright protections for music recorded before 1972, part of the Music Modernization Act.

**TRAILS BLAZED** Gass started out in antitrust, but soon after joining Latham & Watkins, he was asked to teach a copyright class at the University of California, Berkeley, his alma mater. For the past several years, he has blended the two areas into his practice. He took on pro bono representation of Creative Commons, which licenses copyrighted work for public use, after a publisher using one of the organization’s licenses sued Office Depot for allowing teachers to copy educational materials the publisher had created under a government contract. The copying was “completely innocuous,” and penalizing it would “basically gut the utility of these licenses.” The lawsuit was dismissed in the Ninth U.S. Circuit Court of Appeals.

**FUTURE EXPLORATIONS** While building a copyright practice that focuses on music and software licensing, Gass has found his antitrust experience increasingly relevant. “We’re seeing more frequent and express intersections between the world of copyright on one hand and, on the other hand, the world of antitrust and really sophisticated economic principles. To be able to tackle those kinds of claims, you need to be fluent in both copyright and antitrust.” He will continue to work on “the most interesting, the most complicated disputes of that flavor and litigate them in the most sophisticated way using the tools from both of these disciplines equally.”