



# 2021 TOP INTELLECTUAL PROPERTY LAWYERS

## Andrew M. Gass

**G**ass spends much of his time counseling and litigating on behalf of music industry trade groups and companies working their way through what he calls the “absolute morass” of rights, royalties and licensing under U.S. copyright law.

“We participate in everything from rulemaking before the Copyright Office to rate-setting proceedings before the Copyright Royalty Board all the way to antitrust litigation arguing that a particular aggregation of rights is anticompetitive,” he said.

On the eve of trial last year, for instance, he reached a favorable settlement for commercial radio stations over the licensing fees Broadcast Music Inc., or BMI, charges them to play songs. *Radio Music License Committee Inc. v. Broadcast Music Inc.*, 18-CV04420 (S.D. NY, filed May 17, 2018).

After that case resolved, he and his team represented the streaming services’ trade group, the Digital Media Association, in the U.S. Justice Department’s regular review of the consent decrees that regulate BMI and ASCAP.

“We were very pleased, we got our way, and the antitrust division decided not to touch those decrees,” Gass said. The department formally announced it had closed the review in January.

He also often represents individual music streaming services like iHeartMedia Inc., Spotify Technology SA and Pandora Media LLC in disputes with owners of copyrights.

One example is his work defending Pandora in a seven-year-old suit over the arcane topic of pre-1972 sound recordings.

That case is currently back before the 9th U.S. Circuit Court of Appeals after a trip to the state Supreme Court. *Flo & Eddie Inc. v. Pandora Media LLC*, 15-55287 (9th Cir., Feb. 24, 2015).

Gass handles copyright and antitrust matters not involving music as well.

In one unusual example, he is defending a lawsuit by a woman who claims Apple Inc. copied her copyrighted emojis of hands in multiple skin tones. *Cub Club Investment LLC v. Apple Inc.*, 20-CV00856 (W.D. Tex., filed Sept. 18, 2020).

And at the tail end of 2019, his amicus brief for Creative Commons helped win a significant appellate victory validating the nonprofit’s free copyright licenses, which allow creators to share their works publicly and safely.

“We have an amazing team of partners and associates specifically dedicated to the copyright space,” he said.

— Don DeBenedictis



**Latham & Watkins LLP**  
Bay Area

**SPECIALTIES:**  
Copyright,  
Antitrust Litigation