



A federal judge threw out a copyright infringement lawsuit over two Barry Manilow films.

Photographer: Amy Sussman/Getty Images for Celebrity Fight Night

Barry Manilow's Management Company Wins Movie Copyright Suit

By David McAfee

Jun. 18, 2019 4:04PM

- *Order tosses 2018 copyright infringement suit*
- *Joint authorship, time-barred claims nixed*

Barry Manilow's **management company** prevailed in a copyright dispute involving two movies, *Barry Manilow: Music and Passion Live from Las Vegas* and *Barry Manilow: Songs from the Seventies*.

The U.S. District Court for the Central District of California June 17 granted summary judgment to Hastings, Clayton & Tucker, tossing an infringement complaint by production company Stiletto Television Inc. (STV).

Hastings argued that Manilow and the other two people who could have had any copyright interests had signed them over to the performer's **management company**. The court rejected several arguments from STV, including that it was a joint author and that Hastings' ownership claims were time-barred.

"There is no cited evidence that STV had artistic control," U.S. District Judge Dale S. Fischer wrote. "Though STV's contributions were clearly valuable, valuable contributions (even copyrightable

contributions) are not sufficient to create authorship.”

The judge rejected STV's argument that Hastings' claims were time-barred because Hastings wasn't the claimant.

“STV provides no authority for its contention that a defendant is time-barred from asserting ownership when its ownership is challenged,” Fischer wrote. “The Court has found none.”

STV also lost its argument that the ownership rights assignments by Manilow and others were invalid. STV didn't provide sufficient evidence “to create a genuine dispute of material fact” that the assignments were invalid and procured by fraud, Fischer ruled.

“This lawsuit lacked merit, and we are glad the Court saw it for what it was,” Ryan Lapine, counsel to Hastings, Clayton & Tucker, said. Joshua H. Herr of Rosenfeld, Meyer & Susman LLP in Beverly Hills, Calif. also represented Hastings.

STV is represented by Pierce Bainbridge Beck Price & Hecht LLP in Los Angeles, which could not be immediately reached for comment.

The case is Stiletto Television, Inc. v. Hastings, Clayton and Tucker, Incorporated et al, C.D. Cal., No. 2:18-cv-03911-DSF-PLA, summary judgment granted 6/17/19

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