



University of Colorado

Boulder | Colorado Springs | Denver | Anschutz Medical Campus



June 2018

Stan Soocher

Associate Professor

Music & Entertainment Industry Studies Department
University of Colorado Denver

Hosted by:

Ken McConnellogue

CU Vice President of University Communications

- Ken: Well, I'll tell you as a disclaimer going in, I'm a big Beatles fan, so I'm pretty interested in that, but I know you want to talk about some more things than that. Maybe we could start out, you could tell us a little bit about how you got interested in entertainment law.
- Stan Soocher: The first thing about my interest in entertainment law, you know, one, it's great to have a career where one thing leads to another that is of interest to you, that you have a lot of enthusiasm. So, I was always very deeply into music from the start, first grade, when my grandfather bought me a guitar that I couldn't play, but I could lip sync to Elvis records.
- Stan Soocher: So, I started getting invited to parties to do that. So, always into music, and then I always wanted to be a writer, since I was about five, but always thought it would be fiction, something like that. But, as it turned out ... And then, as a teenager I became a rock band drummer.
- Stan Soocher: All that said, I moved to New York City. I grew up in Florida. I moved to New York City to see what I could do, as to writing about music, and I

ended up at a magazine. At that time, pre internet, there wasn't actually a lot of national music press. There was Rolling Stone, which moved to New York City around that time, but I ended up at a magazine, it was really a fanzine named Circus magazine.

Ken: Yeah, I remember it.

Stan Soocher: Yeah, I was one of the editors there. So, we interviewed quite a broad range of artists, even though we were considered a rock fanzine. So, I would do an interview, maybe, with Carly Simon, The Bee Gees, Yvonne Elliman, who had 'If I Can't Have You' as a number one hit on *Saturday Night Fever*, many of those kinds of artists, but also a lot of outrageous artists. Back then, like David Lee Roth Van Halen, interviewing people like that, they would say a lot of outrageous things, like David Lee Roth, and I wasn't sure what I could use as a writer. I wasn't even sure about the copyrights in the stories I wrote. I was working for the magazine as a full time employee, but who really owned the rights in the stories that I was writing? So, I was very interested in finding out about the legal rights of writers, which I ended up in law school.

Stan Soocher: So, long story short, with that background, it all seemed to come together; law, music and writing. So, that's what I pursued. I became a member of the New York Bar, I did that, representing artists, and doing other kinds of legal work, and also entertainment law journalist, which has been a blast, because entertainment law is an area that covers a lot of issues, a lot of areas; contracts, right of publicity, trademarks, royalties, you name it. Today, digital media law, all those rights, music streaming, those are being carved out by courts all the time. I was able to get all this and put it into one, and really, that's kind of a long way of saying, "That's how I became so interested in entertainment law."

Ken: And, back then, when you were interviewing some of those musicians, performers, you didn't have much an idea about copyright. Did you find they had any inkling about it?

Stan Soocher: Well, artists have a long history, particularly, in the early years of the modern music age, which, generally, would say starts with rock and roll in the mid 50s, where the music industry starts to become somewhat more sophisticated, and gets more sophisticated over time. So, artists didn't have a lot of sources of information, in those earlier years, and when I was doing it, late 70s into the 80s, doing a lot of music journalism. And then, also, interviewing artists, later as an entertainment law journalist, I discovered they usually weren't that sophisticated, but also they had to deal with the issue of unequal bargaining power, as they were getting their careers off the ground, the contracts they sign.

Stan Soocher: When you put those two things together, a lack of legal sophistication with the bargaining power on the other side, the record company, a manager who drafts a contract and hands it to an artist to sign, the odds

against staying a successful artist, and making sure that your finances and legal rights are in order, is really quite a challenge. Was then, actually still is today, but the major differences today is, a lot more information out there. I mean, for instance, when I started in the industry, we didn't have music business programs, like we have at CU Denver, that's the one that I teach in here. I teach law in the music industry, international music business is an area we're moving in, digital media law that I mentioned.

Ken: And, so, the old stereotype of the artists being exploited by the managers or record company, was more often than not, true.

Stan Soocher: Oh, very true. And lots of litigation, particularly, with major artists, once they become really successful, the stakes get a lot higher. And then, when they look at those earlier contracts, and they have a solid legal counsel to advise them, when they can do that later in their careers, the questions come up, you know, "What do those earlier contracts mean to me today?" A lot of times, artists will try to break out of those contracts. There's quite a bit of litigation that's occurred over that, and certainly, most major artists experience that.

Ken: Speaking of major artists, you've written a book, you've written a couple of books, but, Baby, You're A Rich Man: Suing The Beatles For Fun And Profit. The Beatles were a lightning rod for a lot of lawsuits, and I think here is a prototypical story of four lads from Liverpool, who all of a sudden are the biggest thing in the world. And that seems like, that was the moment where some of their legal problems started.

Stan Soocher: They are, actually, I'd have to use the word, excellent, only in a descriptive way, not in a qualifying way, for them, but ...

Ken: I think you can use it that way.

Stan Soocher: ... they, you know, they ... Well, their music certainly excellent. Their first manager, Brian Epstein, had no management experience, of course, he was from Liverpool like the Beatles. He was in the record retail business. He was very successful at that, he was the largest record retail account in that part of Northwest England. But, when he saw the Beatles at the Cavern Club, and signed them, he really didn't know much about the industry, beyond record retailing. So, that led to a lot of issues for the Beatles, right away, particularly, because once they signed with him, it wasn't that much longer after that, that Beatlemania happened, that they really hit it big. But, he signs them in 1962, as a manager, and in 1963, they have three number one hits in England, "Please, Please Me," "From Me To You," and "She Loves You."

Stan Soocher: And, by the end of that year, in October, they do a show in London, where the fans are outside, going wild over them, and the press, the very next day, coins the phrase, the British press. Beatlemania. So, you can

imagine, that gets the attention of a lot of so-called industry sharks, "Ah, what have we got here? Let's take a look at the Beatles." And so, they did, indeed, end up all through the years, in lots of different legal disputes, and legal challenges, that are really cautionary tales, even today, for artists. Especially, because the Beatles were the first internationally branded band.

Stan Soocher: And today, with record sales having gone down, streaming, music streaming, is coming up, but it's really micro pennies for artists per stream. So, it's all about the larger picture of the artists' brand, the ancillary revenues, the merchandising, all kinds of areas that the artists tap into.

Stan Soocher: The Beatles were doing a lot of those things with their merchandising deals, big legal disputes over that. So ...

Ken: Beatles lunchbox. Beatles ...

Stan Soocher: Beatles lunchbox. The first big dispute in the US was over Beatles dolls. They came over, of course, in 1964 to be on The Ed Sullivan Show. In February 64, they have their first number one hit in "I Want To Hold Your Hand," in early 64. And, they signed a deal with an exclusive licensor for Beatles dolls, actually for all kinds of things, but there was a lot of pirate goods out there. So, they went to court for that. And it's interesting because in the research I did for the book, I did as ... The challenge was thrown down, because there's so many books about the Beatles. So, what can an author, like myself, do that would be different? And I did as much archival research, I did interviews for the book, of course, but a lot of archival research in court documents.

Stan Soocher: And one of them was, that Beatles dolls case, which was in a Brooklyn Federal court. I found the original transcript of the hearing with the judge. The transcript was on, it was not a computer printout back down from 1964, it was an onion skin paper, typed, the transcript. The Beatles were saying "We want to get an injunction against a company in Brooklyn, that's about to start distributing. They're developing Beatles like dolls. They're really trying to parlay off of us. We'd like to get an injunction to stop them from distributing their product." The judge was very cynical about the Beatles and their lasting value. And it shows up a lot in the transcript, that he says ... You know, when they were on Ed Sullivan, of course, the fans in the audience are screaming and going wild, and the judge, and I'm reading the transcript, that he's saying that, "Well, it must be that somebody was holding up a sign off the side of the camera that said, scream now. There could be no way that this particular group could get that kind of response, otherwise."

Ken: Little did they know, they didn't need that to be scripted.

Stan Soocher: Right, right. It was pretty spontaneous.

Ken: Fast forwarding a bit, a common perception is, the Beatles broke up because of Yoko Ono, but I think at that point, toward the end, there were many lawsuits between each other, and among management. And, I would suggest that, that as much as anything, along with typical pressures, led to their breakup.

Stan Soocher: And it's true. There were multiple elements. They were already by, you know, they stopped touring in 1966, spending a lot of time in the studio, but John Lennon, who was the founder, really, the founder of the band, was starting to drift away. He had issues to deal with, and Paul was starting to step up more as the member of the band that kept it going. It was around this time that John and Yoko got together. And, Yoko was coming to the studio, that was something that the Beatles, they had a few friends in, and George Martin, of course, the producer, and the recording engineers, but having a significant other, of who Yoko was at that time ... John and Yoko weren't married ... in the studio a lot, really was starting to throw the Beatles off.

Stan Soocher: But, when I did my research, and what I was looking at, was the legal perspective again. It's fairly clear, Ken, that when the end of the Beatles came, you know, Paul sued the others in December 1970, the other three. And, his goal was to break up the Beatles band partnership. The band partnership, not all of their, not Apple Corps, their larger company, but the band. And so, and the reason was that, from the court documents, was the last manager, Allen Klein. John Lennon thought Allen Klein was great because Allen Klein had managed the Rolling Stones, he had managed the great soul artist, Sam Cooke. And Allen Klein had gotten the Rolling Stones a million dollar advance, when Allen renegotiated The Rolling Stones deal with Decca Records.

Stan Soocher: Brian Epstein, when he renegotiated The Beatles deal with Capitol EMI Records, The Beatles label, he did not get them an advance. So, John Lennon knew this, and Brian, by the way, passed away in August of 1967. So, they needed a manager, and they were floundering at Apple Corps. People were ... They started a boutique, it's a legendary story, people would just come in and take clothes off the rack and walk out. So they needed help. And, Allen Klein already had his sights on them, a number of years previously, when Brian was alive. In fact, when the Beatles were doing one of their summer tours in the mid 60s in the US, when they were planning it, Allen Klein talked to Brian Epstein about the possibility of Sam Cooke being the opening act for the Beatles, which would have been an incredible tour.

Ken: I would have seen that show.

Stan Soocher: Yeah, just incredible. But, that didn't work out. But, Allen Klein said, he had his sights on the Beatles. And so, when he came in, Paul resisted that, did not like him, did not trust him, and did file that lawsuit in the end of 1970, to dissolve the band's partnership, and to have a financial receiver appointed, to watch over the Beatles' money as it came in.

Ken: How much did all of the lawsuits with the Beatles impact their music?

Stan Soocher: That really goes to the heart of the term music law, music and law. That really goes to the heart of it. So, that's a great question, and it did impact them, particularly George Harrison. And George talked about, of all of all the Beatles, the four of them, you know, after the Beatles broke up ... and, by the way, the court, the High Court of Justice, which is a trial court in London, did grant Paul's wish to appoint the financial receiver.

Stan Soocher: It took them another five years to negotiate the settlement of dissolving the band partnership, but of the four Beatles, in terms of legal issues, it's ... You know, John had the immigration battle, when he wanted to stay in the United States, which he won. You want to become a permanent resident, move to New York, John Lennon. But, George faced the "My Sweet Lord" copyright infringement case in the 1970s. He faced, after Allen Klein, additional management disputes, right up till the end of his life, and he said, more than one time, George, that, "It's really impacting my ability to write songs." In fact, his first wife Pattie, Pattie Boyd, George's first wife, said, you know, when George was sued over "My Sweet Lord," by the publishers of The Chiffons early 60s hit, "He So Fine," Pattie said that George just stopped listening to the radio, he was too worried about it. So, it did have an impact.

Ken: As I recall, he was found liable for that, but he subconsciously plagiarized, was the ruling.

Stan Soocher: Yes. And the judge, Judge Richard Owen, who was an opera composer, and had some his operas publicly performed, it was a bench trial, so there was no jury, it was this judge, but he did find that George, subconsciously, infringed, which really says that, it wasn't intentional, and that somehow, because The Chiffon's "He So Fine" was on the charts in England, in 1962 and early 63, around there, at the same time that the Beatles first hit, "Love Me Do" was on the English charts. So, Judge Owens said, somehow, The Chiffon's song was in George's mind. And so, that is how the subconscious infringement ruling came about.

Ken: And that seems like such a tough ruling because I would suggest that most musicians would, clearly, talk about the people who influenced them. So, it would follow that the music is somewhere there in their subconscious, or closer to the surface.

Stan Soocher: It's true. Copyright infringement cases, it's a case by case basis. There's no bright line that says, "This in every case it's always the same. When you reach this point it's an it's an infringement." So, what you're talking about here, Ken, is, when does influence, does it become infringement, at some point, because the influence is so strong?

Ken: Of all of the lawsuits that the Beatles were involved in, from the early days up past well past the breakup, was any one more significant than all the others?

Stan Soocher: Of the lawsuits? Well, there are a number of ... You know, the "My Sweet Lord" suit was the most famous copyright infringement suit, up until recent years. There's a case, right now, dealing with the song named "Blurred Lines," which has been argued, it's on appeal. It's been argued out in the ninth circuit; they heard the case in California. That's the case that involves the estate of Marvin Gaye, against the "Blurred Lines" authors, or artist and author, which is Robin Thicke and Pharrell Williams. So, the "My Sweet Lord" was the most famous infringement case ...

Ken: Up until now, with the "Blurred Lines" case.

Stan Soocher: There are other cases. So, they so it's hard to choose just one with the Beatles, but they hit music royalties, infringement, management issues, lots of different hot button issues in music law.

Ken: This book, and your other book, it seems like a common commentary and reviews is that, it's a cautionary tale. So, how would you describe the cautionary tale?

Stan Soocher: And, this is something that goes to the music business courses that I'm teaching at CU Denver, we always talk about that, lessons to be learned, always looking at the fact pattern, you know, how did the issue come up?

Stan Soocher: The music industry was never simple. As time has gone on, particularly in the digital media era, it's gotten so complicated. We really need to look at these important key cases, and see what we can learn, and how some of those mistakes can be avoided. And if not, how they might be worked out.

Ken: Your other book was, They Fought The Law: Rock Music Goes To Court. What are some of the cases you cover in that book?

Stan Soocher: Yeah. Well, that was a chapter, I think, was some nine chapters, and it covered landmark cases and major artists involved in the landmark cases. So, the first chapter was about Elvis Presley. It went into the management issues, the financial issues, his estates' battle over the right of publicity. Also, like the Beatles, having to deal with a lot of unauthorized merchandise, particularly, as soon as Elvis passed away, in August of 1977. The right of publicity law was very unclear. And so, the estate won some, and they lost some. So, that was that.

Stan Soocher: Another was, Billy Joel. Billy Joel's dispute with his former manager and the brother of his ex wife. So it was like ...

Ken: It makes interesting Thanksgiving dinners, I'd imagine.

Stan Soocher: Yeah. They had a lot to talk about over dinner, then all the way up to the Supreme Court. So, there was a case involving the rap group, 2 Live Crew. And, it was heard by the US Supreme Court in November of 1993. I covered this for Rolling Stone, and for a publication I still edit named Entertainment Law & Finance, it's a monthly publication, that I've been editing for a long time. And that case involved 2 Live Crew's, what they said was, a rap parody of Roy Orbison's classic 1964 rock hit, "Oh, Pretty Woman." And, that was the first time the US Supreme Court ever ruled that a parody may be a copyright fair use.

Ken: Weird AI thanks you for that.

Ken: So, here in Denver 1994, a jury ruled that Michael Jackson didn't steal his hit song, "Dangerous" from a local songwriter. And, you have some interest in that case?

Stan Soocher: Yes, that's also a complete chapter in, They Fought The Law. So, did a lot of interviews, a lot of ... Very interesting, because, of course, Michael Jackson is, the level of success he was at, he was a deep pocket defendant. So, it wasn't uncommon for him to be sued by people, and with copyright infringement, the case you're talking about, the "Dangerous," Crystal Cartier was an artist here, who's from Denver, who claimed that her song, "Dangerous" had been infringed by Michael Jackson's song, "Dangerous." Even though, song titles are not copyrightable, but she said, "Well, it's substantially similar," which is the key copyright infringement test, the "Michael Jackson's song is mine." So, she sued him, but what's interesting is ... And lost, he did win, in front of the jury ... is that Michael Jackson, on some of his songs, was sued by totally different people saying, "You stole that song for me," and it'd be the same song, a different lawsuit, someone else saying, No, you stole that song from me."

Stan Soocher: So it's, one of the interesting things that, for attorneys, who represent artists, is to, "How do you figure all this out?" Well, it's easy to say, if there was any infringement at all, and the attorney's going to say there isn't. But, if there would be, it can't be all these different plaintiffs, at the same time.

Ken: I want to back up a little bit, you were talking about Elvis's estate, and there was something in the media just recently, I think his daughter said the estate is swimming in red ink.

Stan Soocher: It's an interesting story because celebrity estates, really, the brand lasts. We were talking little while ago about the brand, and how important it is for the artists today. So, celebrity estates ... Roy Orbison there's going to be a Roy Orbison hologram tour coming up, so they're bringing that back.

Stan Soocher: So, Elvis' estate, it's been up and down, would be the answer. They struggled. One of the things I did, when I did, They Fought The Law, is I went to the probate court to look at some of the documents there, and I discovered that he had five bank accounts, one was for a million dollars ...

Ken: That was to pay taxes.

Stan Soocher: He had one, but three of them had like ... one of them around \$39 in it. So, he when he died, he was essentially broke. And, I also learned that he had Graceland on a revolving mortgage. So, he would get the mortgage from the bank, he would go out on a tour, then he would earn the money and pay that off, and then he would do it again, because he had a high living lifestyle, and just didn't care if he spent the money, but then that put him in debt.

Stan Soocher: So, when Graceland started, after the first few years, it started doing really well. In fact, Lisa Marie, who's the sole heir of Elvis, Elvis had divorced Priscilla before he passed away, and Lisa Marie was the sole heir. As I said, they've been up and down, but Lisa Marie sold a large percentage of her interest in the Elvis rights. I believe she still owns the Graceland property.

Stan Soocher: So, again, when they go up and down ... Actually, they had the last Elvis week, had, was it something like 50,000 people showed up last August, it was the 40th anniversary of his passing.

Ken: You touched on this a little bit, but I'll ask you to expand, entertainment law is complex to begin with, is it more complex in the digital age?

Stan Soocher: Yes. Yes, because there are a lot of rights still being carved out. We get a lot of digital media rulings, digital media content. Of course, some of the early legal issues was when unauthorized file sharing really took off, and that's back around 2000. That began, and then the record labels, which were really at a peak with record sales. It's well known that record sales started dropping significantly, and then the record labels started going after ... What they first did was, they went after some of the companies, the tech companies, that were developing the file sharing software. But, they also started going after their own, let's say, potential consumers, when they started suing people who were at home, downloading music from the internet. They filed, the record companies filed, approximately 35,000 lawsuits.

Stan Soocher: And one interesting thing, I came to the University of Colorado, Denver in 2000, that's when I began, originally, as music department chair, that's how I was originally hired, then also teaching music business courses, and sometimes history of rock and roll. But, at that time, the Record Industry Association of America, their lead counsel law firm on those lawsuits, was based here in Denver. In fact, the lead counsel for them,

Richard Gabriel, who I interviewed at that time, and had interviewed, he was involved in the Crystal Cartier case, on the defense side, and is now on a Justice on the Colorado Supreme Court. He was ... that's where the record industry had their focal point, of those lawsuits, actually, was in Denver.

Stan Soocher: But, you know, a lot of those downloading potential consumers defaulted, wouldn't be able to afford to pay big damages anyways, and that's when the industry kept its focus on the tech companies, which is how it's been, pretty much, since then.

Ken: Interesting. You talked about the parable of the managers, or the record companies, preying on impressionable artist, and particularly, early in their career. Do you find that artists today have learned some of those lessons, or is that kind of thing still prevalent?

Stan Soocher: The information is now there; there's a lot more sources out there for artists. There are a lot more books, a lot more internet sites, a lot more attorneys practicing in the music law area, or the entertainment law area. But, it still gets down to bargaining power, like any negotiation. So, for newer artists, they don't have the bargaining power, yet. For the more successful artists, they are able to get savvy entertainment attorneys, because it's a much larger industry now than it was then. I mean, the entertainment industry, the music industry has been struggling with the file sharing issue, in terms of revenues.

Stan Soocher: But, if an artist is motivated, and wants to be a self learner, it's really great to get out there and look at all that information that's out there, kind of get yourself briefed on it, so to speak. And then, when you get with a seasoned entertainment attorney, you'll be able to spot the issues, ask the questions, have some sense of what the lawyer is talking about.

Stan Soocher: So, I would say an artist is in a better position today, in terms, again, of the information flow.

Ken: The old sign-here days are, hopefully, a thing of the past for artists.

Ken: Another Denver case, a jury ruled against a local DJ, here, sued Taylor Swift after she accused him of groping her. Any surprises about that case?

Stan Soocher: The legal issue was very straightforward. The evidence was straight forward with the backstage photo of the DJ, of the former DJ, touching Taylor Swift, and what she said, what they ruled was a sexual assault.

Stan Soocher: So, from a legal perspective, it was a fairly straight forward case, but she said, she made a statement, "I'm only asking for \$1 in damages" And, it's not that long ago, in terms of the Me Too Movement, and there she

was, last year, on the cover of Time magazine as one of the people of the year.

Stan Soocher: So, it was a statement case, that really is part of this trend, and is a key part of this trend, really brought a lot of attention to, what became the Me Too Movement, and the issue of harassment in the entertainment industry.

Ken: Yeah, interesting. What are some of the courses that you teach in your program?

Stan Soocher: So, law in the music industry, Ken, as you've been asking me questions, we we cover a lot of these topics, though it's one that is a challenge, because I always say to the music law students, in our music business program at CU Denver, every semester as we begin, we'll be talking about cases during the semester on key legal issues, that haven't even been decided yet. And that's true. So, that's one. The international music business, we do a music business senior seminar, where a component is international music business.

Stan Soocher: The music streaming, as music streaming is becoming more popular, it's really ... the idea ... Because it's micro pennies for artist's, just one stream, the only way it's going to be significant for record labels, in the industry itself, is a volume business. And, there are a lot of countries around the world that didn't have, really, much of a brick and mortar record industry when physical product was really thriving. But, a lot of these countries are getting digitally wired. And, some of the countries, like China, had long history of a lot of piracy. But, now what we've seen is, record companies, and movie companies, and others entering into streaming licensing agreements, in countries like China, which creates a really great opportunity for the industry.

Stan Soocher: We talk about that in the International Music Business component of the senior seminar.

Ken: And, what kind of careers do your students pursue?

Stan Soocher: Well, they've ended up in a lot of different areas of the industry. Of course, we have two general populations of students. There's the artists, and you know singer/songwriters, musicians and singers, who take some of our classes. And then, we have those who want to work at the companies, so want to work at management companies, want to work at music publishing companies. And so, really, we provide information for both of those general populations. So, a lot of our students have ended up as successful artists, and also, successful at a lot of the entertainment industry companies.

Ken: I'm jumping around on you here a little bit, but I'm a fan of reggae music, and I've read a few books about that industry, talk about the wild west in Jamaica, I think that was about as wild west as it got.

Stan Soocher: Based on what you're saying, Ken, it's probably no coincidence that Bob Marley and the Wailers, of course, from Jamaica, also lived in Miami and recorded at Criteria Studios in Miami, some of his greatest stuff. But, his estate, that's another example, today. If you look in the last several years, up to now, a number of cases dealing with Bob Marley's estate. So, and some of this grows out, there were record deal issues, there were some merchandising issues, but Jamaica is an example of ... From the ground up, the industry, really, reggae, ska, very significant sounds that came out of there, that had value. It's no coincidence, probably based on the quality of the music, that Bob Marley is one of the top, very top most popular artists worldwide.

Ken: Going back to the Beatles a little bit, if George Martin let you in one of those recording sessions in 1962, and you could give them a bit of advice, knowing what you know, what would that advice be?

Stan Soocher: I'm assuming you're saying legal advice, because there'd be a great desire to chime in on the music, and they wouldn't like that. Now, of course, I just want to say, I am a drummer, so I'd be tempted to say "Ringo, Could I, kind of, just play something on that record? Can I just do one track on "Rubber Soul?" Which, of course, would be no.

Ken: They'd say, "No, go over there and sit with Pete Best."

Stan Soocher: I think that, if we could bring the information we have today to them, because there wasn't a lot of solid legal advice available, that you give them back then. A lot of the lessons that were learned by them, there were no model cases to look at, of note, for them. I would urge them to become as educated about the issues as possible. One of the problems with Brian Epstein is, when they negotiated their merchandising deal in England with a company of people who had no previous merchandising experience, Brian Epstein said, "I've got to find somebody to do the Beatles merchandise, so kind of be the licensor for us, exclusive worldwide." They went to a show business lawyer in London named David Jacobs. And, he had represented some old school artists, like a great actress Marlene Dietrich and others, but was not really a rock and roll, modern music industry, lawyer.

Stan Soocher: I would urge them ... And so, he and Brian negotiated a very poor merchandising deal for the Beatles, where the company that they signed with, and gave exclusive worldwide rights, and had no prior experience with merchandising. It was founded by somebody who had run a club in London, which is important, but it had nothing to do with the merchandising. Brian and David Jacobs gave that company 90%. They

said, "You could have 90% of the income that comes in from the Beatles merchandising." So ...

Ken: Wow.

Stan Soocher: ... I think if I had one thing to say to The Beatles, it would be, "Stay away from attorneys that don't know about your business, and make better choices on that, because this is your starting point. You don't know where this is going," if we looked at it from early 63, let's say, or somewhere in 1963, "give that a lot of consideration, get the best counsel possible."

Stan Soocher: Paul McCartney is an example of an artist who, he wanted he wanted to know things, it mattered to him, and he had good legal advice, as the years went on. John Lennon, on the other hand, was an artist who said, "When the royalty statements came in, I really, I didn't pay much attention to them. It wasn't that important to me." So, a lot of it has to do with, right in the same band, you had two different perspectives, as to, "Is there a necessary learning curve on music law or not?" But again, I think that's the best starting point is, get with somebody who knows the legal issues, and can give you the best advice.

Ken: And at one point, they lost the publishing rights to their songs, but then, reclaim them.

Stan Soocher: Well, what happened is, once they had a couple of hits, there was a publisher named James, who is a well known music publisher in London, that I believe George Martin introduced the band to them, you know, George Martin, the Beatles producer. And, they formed Northern Songs, specifically, to house the Lennon/McCartney song catalog, and then George also signed with Northern Songs. So, the Beatles did have a share of Northern Songs. They did have a share of the company, they never had a majority stake, however.

Stan Soocher: So, a few years later, and I also, before I go on, I should make it clear that, there's the publishing rights in songs, and the songwriter's share. So, Lennon and McCartney kept the songwriting share, and they've always had that, but when it came to the publishing, because the publishers usually get the copyright in the songs and then pay the Songwriters. So, later in the 1960s, there was a company, ATV was the name, and they were a large entertainment conglomerate, and they did TV shows, I believe it was like, "Secret Agent Man," might have been one of their shows, but "The Saint," with Roger Moore, definitely was. Sir Lew Grade was an entertainment history impresario who ran that company. They wanted to get Northern Songs. So, there was a very public bidding war that went on, where Lennon and McCartney, and the Beatles, tried to cobble together a majority stake in the publishing company, and thereby, being able to take over the company. They lost that battle.

Stan Soocher: It was in the 1980s when ATV, after they did their version of "The Titanic," which didn't do well, a movie, they decided we need money, and they put Northern Songs up for sale, and it was ... That is the most famous story of all, because that's when Michael Jackson and Paul McCartney worked together on "The Thriller" album on "The Girl Is Mine." And, that's when Paul said, you know, that's a classic story, said, "Well, and I point out to Michael, well, you know, Music Publishing is very important." And, when ATV went up for sale, Michael Jackson had the money to buy the Beatles song catalog publishing rights, McCartney didn't, he tried to put something together with Yoko, and they didn't get it.

Stan Soocher: So, recently, and I don't want to get overly technical, but it's just in the last year or so that Paul McCartney, under US law, for the US share of his Beatles songs copyright, sent a copyright termination notice to ATV, Sony ATV today. Simply stated, US copyright law allows a creator, who assigns their copyright to another company, to recapture it, after a certain amount of years. Paul tried to do that by suing Sony ATV, a little over a year ago in New York Federal Court. They ended up settling that case. But, that is a brief history of the rights in the Beatles songs.

Ken: Interesting. You talked about your interest in entertainment law, kind of starting with the rock and roll era, and coming right up to the digital age. As you look on the horizon, what do you see?

Stan Soocher: One of the issues, I think, the hologram tours. We're seeing ... I mean, at the Super Bowl, we saw, what was controversial, Justin Timberlake performance, where he had a Prince hologram, and some people like that, and some fans, just don't want to see that. But, I think, for instance, there's been announced, a hologram tour Frank Zappa. There can be an Elvis Presley hologram tour. Elvis never toured worldwide. So, I think, what are the rights? You know, how do you divvy up the rights? There's rights of publicity in that. That's very cutting edge. How do you put on a world tour with a hologram? What are the range of rights there? The digital rights? And other rights? So, I think, though, a straight ahead way to answer would be, I think we're going to continue down that path of courts carving out legal principles, as to digital media content.

Ken: When you were working at Circus, were there any artists that you interviewed, who you thought were, particularly, savvy about entertainment, the business, the love?

Stan Soocher: I wasn't so focused on that, then. I thought, at least at first, in terms of the music, Pete Townsend was an artist who I interviewed him, a long time ago, now, when the "Who Are You" album came out. So, I interviewed him, and he was extremely serious about what his music meant. I thought that, "Wow." So, he might have been somebody, who might have been able to handle studying legal issues. And, by the way, while I was interviewing Pete, Keith Moon, the drummer, knocked on the door, and it's Keith, and I'm a drummer, and he's like, almost my favorite

drummer, comes into the room, did an on the spot interview. He, unfortunately, passed away, four weeks later. So, I wrote ... I did one of the last interviews of him. But, he was somebody, who was not as grounded as Pete. So, I think ,within the same band, like with the Beatles like John Lennon and Paul McCartney, you can get two different types of personalities, where, I think, Pete's seriousness would have lent himself to that.

Stan Soocher: So most of those interviews were not law interviews. There were some artist I did talk to about legal issues. A very interesting interview, of all things, was with Gladys Knight, when she was discussing ... I was doing an article for a magazine, in the 1980s named Musician Magazine, that she talked about ... it was about legal structures, artists business organization, and she went through how they had the business structure of "Gladys Knight and the Pips" set up, as it was very interesting and she was very clear about it.

Stan Soocher: There have been a few former artists, who have gone to law school. That's always very interesting. I know there's a former member of "Sha Na Na," which was like in an oldies retro band that appeared at Woodstock, just before Jimi Hendrix, who went to law school. And, there's a few others, a former member of "Country Joe and the Fish," who was just a psychedelic rock group in the 60s, also went to law school. So, some of those artists do end up in the legal field, as professionals.

Ken: You taught the history of rock and roll. So, the old question, "If you were stranded on a desert island with one album to listen to, forever, what would it be?"

Stan Soocher: Well, that's always a tough question. I love the Beatles. I'm going to say one of their albums, but I will say that, I always love the harmonies of a British Invasion band named "The Hollies." "Bus Stop," Graham Nash, was in that band. I just think they were superb. And, they were produced by Ron Richards, who had worked with George Martin, in the Beatles early years, when the Beatles first came to record, Ron Richards was the assistant engineer, at that time.

Stan Soocher: But, I think if it's an album, it's "Rubber Soul." It's always been my favorite Beatles album because it's a turning point, it's a folk rock album, really. It's got a Dylan and influence, but it's very straight ahead, and it's got a lot of humanity to it. It's a very real feeling when you hear the lyrics. Ringo his drums are very straight ahead. And really, he's criticized a lot for his drumming, he's too basic, but that's really not true, because he really added a lot of the straight ahead simplicity to the Beatles, which really shines on "Rubber Soul." Because that's just before "Revolver," which is another great album, but it's much more studio technology ...

Ken: Yeah.

Stan Soocher: ... once they stopped touring. So I would say it's "Rubber Soul."

Ken: Okay. It's interesting how bands' images morphed into brands.

Stan Soocher: Today, music product is often a loss leader. A lot of artists are working with Pro Tools, and home studios, they do that, they make their own recordings. It's a lot easier.

Stan Soocher: When I started the industry, we would go down to the studio, and booked a time, and go in and make demo recordings, but you have to look in other areas with, the album comes out, you can get reviews, you can get in the media on this, be interviewed. But, with the record, the money is just not coming in like it used to. Vinyl is doing well, it's going up, but if you look at the amount of vinyl being sold, it's several million a year in the whole US.

Stan Soocher: If you look at the peak of arena rock, in the 1970s, in that time, Fleetwood Mac would sell in excess of 10 million an album. The Bee Gees, "Saturday Night Fever," over 20 million. We don't see that today, so artists, absolutely, are compelled to look in other areas, as a brand, so that people recognize it, they say, "I got to have that, too."

Ken: And it's interesting. It seems like it's gone back to, where a lot of them make money is off touring, performing.

Stan Soocher: Yes, touring has been a big focus. That's why we see a lot of artists that have been around for a long time, that continue to tour. Recently, we've heard some Neil Diamond, for health reasons, announced he's going to retire, Paul Simon, but there, said, "I've been touring so long, I think I'll spend time with my family." But, there are plenty of artists, like Bruce Springsteen, that keep out there. If you look at, he's still recording, but if you look at his record sales, they're not the same, for most artists. So, they do stay on the road, if possible, but that road can get pretty crowded, at times.

Ken: Well, Stan Soocher, we appreciate your insight into a really fascinating slice of, something that touches us all, music.

Stan Soocher: Thank you, Ken. Thank you for interviewing me. I really appreciate it, thanks.