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Pryor Cashman Successfully Moves to Dismiss Copyright Infringement Claims Alleged Against Music Publisher for Nelly Furtado

Pryor Cashman has once again successfully represented a music publisher in dismissing copyright infringement claims on personal jurisdiction and “indispensable party” grounds.

In *Kernel Records, Oy v. Timothy Mosley pka ‘Timbaland,’ et al.*, a music copyright case pending in the U.S. District Court for the Southern District of Florida, Pryor Cashman represented Nelstar Publishing, Inc., the music publisher for the world-renowned recording artist Nelly Furtado.

Plaintiff sued Nelstar, a co-owner of the copyright in and to the song at issue, *Do It*, for copyright infringement. Pryor Cashman moved to dismiss the case on the grounds that Nelstar could not be sued in Florida federal court because Nelstar lacked any contacts with Florida.

In opposition to the motion, plaintiff argued that Nelstar’s license, which permitted *Do It* to be exploited worldwide, subjected it to jurisdiction everywhere in the United States. The Court disagreed and upheld Pryor Cashman’s analysis that Nelstar, like any defendant, must purposefully direct activities to the forum state in order to be sued there.

In granting Pryor Cashman’s motion to dismiss, the Court followed the reasoning found in the decision of an earlier Pryor Cashman victory for other music publishers, including EMI April Music Inc. and Bovina Music Inc., in *Robinson v. Arista Records, Inc.*, No. 3:04CV431 (S.D. Ohio Aug. 5, 2005).

Pryor Cashman was also successful in its argument that plaintiff’s claim against the remaining defendants to permanently enjoin exploitation of *Do It* had to be dismissed because the claim could not be addressed in Nelstar’s absence where Nelstar owned part of the copyright to the song.

Pryor Cashman Litigation Partners William Charron and Ilene Farkas (who had successfully represented the publishers in *Robinson*) represented Nelstar in the Florida litigation.

To read the decision in *Kernel Records Oy v. Mosley*, No. 09-21597-Civ, 2010 WL 2812565 (S.D. Fla. July 5, 2010), please [click here](#).