

# TOP INTELLECTUAL PROPERTY LAWYERS 2019

## Kenneth L. Steinthal

FIRM

**King & Spalding LLP**

CITY

**San Francisco, Los Angeles**

SPECIALTY

**Copyright litigation**

Steinthal, the head of King & Spalding's intellectual property practice has practiced in the digital audio and audio-visual content distribution space for more than three decades, dating back to the early days of music video television channel MTV, he said.

As content distribution channels have diversified, so have copyright and music licensing laws.

"We've had some really fun issues to deal with, and we've gotten involved early as a consequence of some of those early cases," he said.

Steinthal's cases often involve defending copyright infringement claims and establishing structures and rates for the use of music.

In recent years, his team has litigated on behalf of Alphabet Inc.-owned Google, NPR, ESPN, Pandora Media LLC, and the Radio Music License Committee, which represents the interests of some 10,000 commercial broadcast radio stations.

He's also long represented clients in their interactions with the music licensing organizations ASCAP and BMI, especially as IP law is applied to new in-



novations in internet music streaming. Steinthal represented Google in Copyright Royalty Board proceedings against the music publishing industry.

The dispute involving the establishment of statutory license rates and terms for the reproduction and distribution of phonorecords in connection with

digital downloads, on-demand streams, and cloud locker services under section 115 of the Copyright Act.

In January 2018, the copyright board judges rejected the rate-setting structure sought by the industry and instead set rates sought by most of the streaming music services. *In the Matter Of: Determination of Rates and Terms for Making and Distributing Phonorecords*, 16-CRB-0003 (Copyright Royalty Board, filed Feb. 4, 2016).

The final determination was published in February.

Steinthal shares his insights on music rights and copyright litigation issues with law school students and professional trade groups alike. He advises young lawyers to build client loyalty by "steadfastly staying on one side" of an issue.

"I've always stayed on the side of companies distributing content in a lawful matter," said Steinthal. "The thing that I've done, and we've done as a firm, is we've been very principled about staying on one side throughout."

— Jennifer McEntee