

# Daily Journal

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## TOP WOMEN LAWYERS

### The Daily Journal's Annual List of Leading Women Lawyers in California



## Kalpana Srinivasan

**S**rinivasan tackles high-stakes, high-profile disputes over intellectual property.

She served as co-lead counsel for the rock group The Turtles, best known for the song “Happy Together,” in their copyright infringement class action against *Sirius XM. Flo & Eddie Inc. v. Sirius XM Radio Inc.*, CV 13-05693 (C.D. Cal., filed Aug. 6, 2013).

The class sought payment for royalties for songs recorded before 1972 that were played by Sirius XM. While sound recordings after 1972 fall within the scope of federal copyright law, it’s unclear whether broadcasters have to pay to play recordings made earlier.

A day before Srinivasan was to deliver opening arguments in the California case in November, she helped complete a settlement deal with Sirius XM valued at up to \$99 million. Sirius XM agreed to pay a guaranteed \$25 million for its past broadcasting of pre-1972 sound recordings. The settlement agreement provided for additional compensation depending on

how appellate courts rule in other states.

“That’s been a very special case for me, bringing to bear my experience in class action work with an important area of copyright law,” Srinivasan said. “The case is in the process of the court approving the settlement we reached with Sirius XM.”

The key to obtaining a favorable outcome for the client was finding the existence of performance rights for pre-1972 sound recordings, which the California federal court did find existed, she said.

“Part of it was being able to take on this novel area of law, based on the strong feeling that the owners of these sound recordings are entitled to receive compensation for their work,” she said.

The case was a precedent-setting victory for sound recording copyright owners. Major labels and other copyright holders have followed with their own lawsuits against radio stations and broadcasters. The Turtles also filed a similar lawsuit against Pandora, which is ongoing.

— Jennifer Chung Klam

**SUSMAN GODFREY LLP**  
LOS ANGELES

**Practice Type: Litigation**