

Floyd Mandell Discusses "Orphan Works" and Copyright Law for Law360

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Floyd Mandell, national co-chair of Katten's Intellectual Property department and co-head of the Trademarks and Trademark Litigation practice, comments on "orphan works" in response to a Law360 question following a California judge's recent ruling that Warner/Chappell Music Inc. does not own a valid copyright of the song "Happy Birthday to You." Floyd notes that with "orphan works," it is difficult or impossible to know from whom to seek a usage license or to calculate when or if it fell into the public domain. "One limited solution is some form of equitable 'compulsory license' structure," he states. "The benefit is that the financial exposure of the party that used the orphan work would be limited to a predictable license fee." Floyd is an IP Law360 Voices of the Bar panelist who weighs in on emerging issues in the intellectual property arena. (["What Shall We Do About 'Orphan Works'?"](#) September 29, 2015)

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