

SAMPLING: MUSICAL AUTHORSHIP OUT OF TUNE WITH THE PURPOSE OF THE COPYRIGHT REGIME

RAHMIEL DAVID ROTHENBERG*

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INTRODUCTION

While the present debate over the practice of sampling¹ may seem to be just a minuscule footnote in the evolution of copyright law, the legal battle that sampling is presently engaged in illuminates many of the future, and ongoing, issues that copyright law faces. One of those major issues is whether copyright law embraces the true nature of creation and authorship. An individual’s view on the nature of authorship essentially frames his or her opinion on the legitimacy of creative forms built upon appropriation,

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1. *Newton v. Diamond*, 388 F.3d 1189, 1192 (9th Cir. 2004) (defining sampling as “the incorporation of short segments of prior sound recordings into new recordings”).