

the principles apply internationally and are governed by the Berne Convention. In practice it then comes down to how the process of law is conducted and specifically who does the judging. In the UK, explains Sachdeva, it will be a judge. In the US, by contrast, it could be a judge but in the biggest cases the responsibility will be given to a jury.

The consequences of this have been seen most controversially, says Andrew Sharland, of Clintons, over the past three years in the case of *Blurred Lines* written and performed by Robin Thicke and Pharrell Williams. Already mired in allegations that its lyrics were

Thicke rejected this interpretation but the jury awarded punitive damages of more than \$7 million. Is this the end of the story? Not at all. Williams and Thicke are now going to appeal.

"The *Blurred Lines* decision sent waves of surprise around the music business on both sides of the Atlantic," Sharland says. "It was a classic case of the jury getting it wrong. It was a rogue, perverse decision."

Critics of the jury — of whom there are many — argue that there is barely any overlap between the two songs. "The decision seems to set a new low threshold for plagiarism, at least in the

terms without end Eyes in the skies How to keep drones legal

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US," Sharland says. Will it set a precedent? "I was surprised by *Blurred Lines* because it wasn't an obvious copy," says John Enser, of Olswang. "But it's a one-off decision in the US and each case has to be judged on its own merits."

damages can be awarded for copyright infringement at very high rates while in Europe generally it is more a matter of compensation for actual losses. "Depending on the song, however, it may be more important to have the rights reassigned so that ongoing royalties accrue to the claimant," Gardiner says.

Ironically, one of the other big music copyright cases running currently focuses on the claim that the Richmond Organisation and Ludlow Music Inc has been illegally claiming the rights to the 1960s protest song *We Shall Overcome*. Based on a folk song, it is a genuine work of heritage.

Freeing it of copyright would underline that every case depends on its own individual circumstances.

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Lawyer of the week Lewis Kett

Lewis Kett, a trainee solicitor in the immigration department at Duncan Lewis, advised the Afghan military interpreter whose successful claim for asylum — after seven years — has resulted in the Home Office "reviewing" its policy of removing Afghan military interpreters to Afghanistan.

What were the main challenges? Starting from the position that this man had already been through the asylum process and was due to be removed to Afghanistan within days, a last-minute hearing on the day of his flight was required to persuade the



tribunal that there were merits in reviewing his case — I am grateful for the persuasive submissions of counsel Ali Bandegani of Garden Court Chambers. Once given the breathing space, we could build up evidence to show that this man, and other Afghan interpreters, were clearly at a risk from the Taliban on return.

What was your worst day? The first time I had to advise a client that I was powerless to prevent his removal. I vividly recall visiting him in detention and breaking the news. It reminds me of the human element in these cases.

What was your most memorable experience? I

played a significant role as part of a team challenging removals to Afghanistan last year on the basis of the continued deteriorating country situation. This challenge led to an unprecedented injunction preventing almost all removals to Afghanistan for several months.

Who has been most influential? My director at Duncan Lewis, Toufique Hossain, has been a major influence in encouraging us as trainees to be ambitious and fearless in the pursuit of protecting our clients.

Why did you become a lawyer? As a child I liked to have a different opinion from everyone else and letting them know about it: it seemed a natural progression.

What would your career advice be? Be prepared to take your cases home with you, but do not let them take over your life.

If you had not become a lawyer, what would you have chosen? The realisation that I would not become a professional footballer probably hit home belatedly at around 15 to 16. This was the fall-back option.

Where do you see yourself in ten years? Right now it is difficult to look beyond July 1 — my qualifying date. With the continued cuts to legal aid, I hope in ten years' time to be lucky enough to work in an area that I love.

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school and the Bingham Centre for the Rule of Law have a conference featuring two "expert panels" including Christine O'Neill, chairman of Brodies, looking at the implications of a "leave" vote for Scotland. Dare Nicola Sturgeon resurrect the Neverendum, given oil prices?

Home of the brave?

America claims to be the "land of the free" — when it locks up more people than any other western nation and persists with capital punishment. An example comes before the US Supreme Court tomorrow with an application from Skadden Arps, Linklaters and Three Crowns on behalf of Bobby James Moore, an African American facing execution after nearly 36 years on death row in Texas including 15 years in solitary confinement. The pro bono lawyers claim that Moore has faced "cruel and unusual punishment". Cruel, yes — sadly not so unusual.

Pedal power

The personal injury world is in chaos after regulation changes that may force big PI firms to slim down to survive. But one niche market looks set to expand with the rise in cycle use on a road system unsuited to it. So welcome to *Cycle Legal*, which pumped up its tyres for a launch party last week, claiming to be the first firm of UK lawyers dedicated to the cycling community. Kevin O'Sullivan, founder and experienced PI lawyer with good cycling credentials, notes there were 432 seriously injured cyclists in London alone last year, from HGV collisions to potholes and car-door openings. "While these fights go on, proper, committed, specialist legal advice is crucial." edward.fennell@yahoo.co.uk