

Daniel J. Schacht

Partner

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Practice Areas

- Intellectual Property
- Business and Corporate
- Litigation
- Music and Entertainment
- Legal Cannabis

Overview

A good lawyer is like a good bass player – working hard in the background so those in the spotlight can shine. Daniel Schacht helps creative people succeed by guiding their business and protecting their rights. His past and current clients include world-renowned musicians and companies in the music and technology space, including numerous members of the Rock & Roll Hall of Fame, hip hop legends, China’s largest online content distributor, and the number one app. In addition to his licensing and business practice, Daniel’s copyright and trademark litigation experience includes serving as co-counsel in the successful “Happy Birthday” lawsuit, described by *The New York Times* as “a lawsuit for the ages,” that put the world’s most popular song in the public domain, and as lead counsel in the prominent *Wixen v. Spotify* lawsuit.

Daniel heads the firm’s Music and Entertainment practice and co-chairs the Intellectual Property Practice Group. He also regularly teaches [Music Law](#) at his alma mater, U.C. Berkeley School of Law, provides California Lawyers for the Arts with pro bono services and seminars on the law and business of music, served on the boards of Oakland Art Murmur and the Great Wall of Oakland, and serves as pro bono counsel to two of Oakland’s Community Benefit Districts. During law school, Daniel served as president of both the Sports and Entertainment Law Society and Parents at Boalt, and was a member of the *Berkeley Technology Law Journal*. Before law school, he was a bassist for dozens of bands you’ve never heard of.

Pronouns: he/him/his

Professional & Community Affiliations

- Law Firm Partner, Startup Legal Garage, University of California, Hastings College of the Law
- Member, Alameda County Bar Association
- Member, Rotary Club of Oakland
- Member, California Lawyers for the Arts
- Former Member, Board of Directors, Great Wall of Oakland
- Former Member, Board of Directors, Oakland Art Murmur

Recognition

- Recipient, *American Jurisprudence Award for Intellectual Property in Entertainment*
- Recipient, Elizabeth Clark Volunteer of the Year Award, *Downtown Oakland and Lake Merritt-Uptown Community Benefits Districts, 2017*

Bar Admissions

- California

Courts

- U.S. Court of Appeals, 9th Circuit
- U.S. District Court, Northern District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Central District of California
- U.S. District Court, Southern District of California

Languages

- German

Education

- **J.D.**, University of California, Berkeley School of Law, 2008
- **B.A.**, Cornell University, *with distinction*, 1995

Recent Articles/News

- [Donahue Fitzgerald Recognized in the World Trademark Review's 2023 WTR 1000 Ranking](#), February 13, 2023
- [Paying Post-Termination Streaming Royalties to Creators and Their Heirs Is “Common Sense”: Recent Comments on the Proposed Rule on Termination Rights Under the Music Modernization Act](#)
- [How TikTok and the music industry are bound to each other as ‘frenemies,’ even as they battle over licensing](#), *Business Insider*, November 17, 2022
- [Politicians Don’t Always Need Musician Approval to Use Songs in Ads, but They Need to Buy the License](#), *Verify*, October 4, 2022
- [Do the royalties go on? Asks judge in Sonny & Cher copyright case](#), *Reuters*, April 25, 2022
- [Cher’s \\$1 Million Royalty War With Sonny Bono’s Widow Tested in Court](#), *Rolling Stone*, April 25, 2022
- [Donahue Fitzgerald Recognized in the World Trademark Review's 2022 WTR 1000 Ranking](#), March 3, 2022
- [Artist Team – Attorney](#), *Gen Admission*, 2, October 27, 2021
- [Donahue Fitzgerald Ranked in Top Tier of 2021 “Best Law Firms”](#)
- [Yo, Trump, thanks! Berkeley artist’s ‘Yo Semite’ T-shirt sees sales spike — and copycats](#), San Francisco Chronicle Datebook, August 7, 2020

Past Articles/News

- [Donahue Fitzgerald Recognized in the World Trademark Review's 2020 WTR 1000 Ranking](#), February 13, 2020
- [Donahue Fitzgerald Ranked in Top Tier of 2020 “Best Law Firms”](#)
- [Spotify Settles \\$1.6B IP Suit Brought By Tom Petty’s Publisher](#), *Law360*, December 20, 2018
- [Donahue Fitzgerald Ranked in Top Tier of 2019 “Best Law Firms”](#)
- [Sweeping New Music Law Expedites A \\$1.6 Billion Lawsuit Against Spotify](#), NPR, January 3, 2018
- [LA punk rock band NOFX aims to share in \\$1.6 billion Spotify suit](#), *My News LA*, January 3, 2018
- [Donahue Fitzgerald Ranked in Top Tier of 2018 “Best Law Firms”](#)
- [Donahue Fitzgerald Honored to Present Award to Maximum Games](#)
- [‘Happy birthday’ Case May Change Content Licensing Practices](#), *Daily Journal*, Daily Journal, Vol. 67, Iss. 6, July 14, 2016
- [The Most Famous Song in the World Set Free: Impacts of the Happy Birthday to You Settlement](#), *IPWatchdog.com*®, July 28, 2016

- [‘Happy Birthday’ Suit Resolved: The Most-Sung Song Is Free For All](#)
- [Judge Rules “Happy Birthday To You” Now In Public Domain](#)
- [Happy Birthday to You](#), *Oakland Business Review*, September 2015
- [Copyrights Should be Registered in the U.S.](#)
- [Das Ende vom Lied](#), *Süddeutsche Zeitung* (Magazin), March 2016

Recent Speaking Engagements

- February 26, 2021, Law Review Symposium: Hindsight is 2020: A Look at Unresolved Issues in Music Copyright Law , Pepperdine Law Review
- October 06, 2020, An Introduction to Music Licensing , Alameda County Bar Association, Webinar
- September 08, 2020, Intangible Assets Podcast – Music Law, Licensing, and “Happy Birthday” , California Lawyers Association Intellectual Property Law Section, Podcast
- March 13, 2020, An Introduction to Music Licensing , California Lawyers Association - Licensing Interest Group
- February 06, 2020, So Your Client Received a Copyright Cease and Desist Letter , Alameda County Bar Association, Oakland, CA
- September 14, 2019, West Coast Songwriters 39th Annual Music Conference , West Coast Songwriters, San Francisco, CA
- March 14, 2019, The MMA: The Future of Music and What You Should Know , California Lawyers for the Arts, Oakland, CA
- January 25, 2019, A Grand Re-Opening of the Public Domain , Internet Archive and Creative Commons, San Francisco, CA
- July 25, 2018, CLA Pro Bono Clinic Program , California Lawyers for the Arts, Berkeley, CA
- June 19, 2018, Music and Copyright Law: An Overview of Copyright Law in the Music Industry , Alameda County Bar Association, Oakland, CA

Past Speaking Engagements

- [The Merch Table: Licensing & Merchandising for Creative Artists](#), California Lawyers for the Arts, April 24, 2018
- [Discover Oakland Innovation: Music & Technology](#), 2.Oakland, March 1, 2018
- [Oakland Chamber of Commerce – Oaklanders Talk Tech](#), Oakland Metropolitan Chamber of Commerce, September 29, 2017
- [The Forgotten Asset: Copyright Law for Estate Planners](#), East Bay Estate Planning Council, September 12, 2016, Oakland, CA
- [IP Attorney Daniel Schacht Moderates Panel at Oaklanders Talk Tech @ Pandora](#), Oakland Metropolitan Chamber of Commerce, September 11, 2015

- The Merch Table: Licensing & Merchandising for Creative Artists, California Lawyers for the Arts, April 16, 2015
- Crossing the Digital Divide, 32nd Annual Music Business Seminar: Licensing and Merchandising in the Music Business, California Lawyers for the Arts, January 31, 2015
- Music Law Essentials Series, California Lawyers for the Arts
 - Contract Fundamentals in the Music Industry, May 20, 2014
 - Trademark Fundamentals in the Music Industry, April 17, 2014
 - Copyright Fundamentals in the Music Industry, March 25, 2014