SAN FRANCISCO (Reuters) - A U.S. appeals court has handed a victory to pioneering punk-rap group the Beastie Boys in a dispute over the growing musical practice of sampling, in which recording artists incorporate snippets of other songs into their own work.

The 9th U.S. Circuit Court of Appeals declined on Tuesday to reconsider its decision last year allowing the group to use a six-second segment of music from jazz flutist James Newton's 1978 composition "Choir."

A three-judge panel of the court held in 2003 that the band had abided by copyright protections by paying a license fee for a sample of Newton's recording and therefore did not have to pay an additional fee to license the underlying composition.

That finding upheld a lower-court dismissal of the case in favor of the Beastie Boys, and the 9th Circuit on Tuesday refused to reconsider its ruling before a larger 11-judge panel.

"We hold that Beastie Boys' use of a brief segment of that composition, consisting of three notes separated by a half-step over a background C note, is not sufficient to sustain a claim for infringement of Newton's copyright," Chief Judge Mary Schroeder wrote in her opinion.

The Beastie Boys used the sample in their song "Pass the Mic" on their 1992 album "Check Your Head."

Representatives for Newton and the Beastie Boys were not immediately available for comment.

The Beastie Boys helped spark the modern sampling trend in popular music with the 1989 album "Paul's Boutique," which incorporated bits of music from sources as diverse as Johnny Cash, Bob Marley and the Beatles to create new music. Sampling has since become a staple of many artists, especially in the rap and hip-hop genres.

The Beastie Boys have also emerged as leading advocates of a new approach to licensing known as the Creative Commons, in which artists record songs that listeners are invited to "rip, sample, mash and share" over file-sharing online networks like Kazaa or borrow to create their own compositions.

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