

## BOOK REVIEWS

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***Copyright in the Music Industry: A Practical Guide to Exploiting and Enforcing Rights.*** Hayleigh Boshier. Cheltenham, UK, Northampton, MA: Edward Elgar Publishing, 2021, pp. 272. ISBN: 9781839101281, US \$95.00.

It is not every day that one encounters a work about the law for which the author provides an accompanying playlist. For some readers, the playlist may be reason enough to add *Copyright in the Music Industry: A Practical Guide to Exploiting and Enforcing Rights*, to their collection. Legal professionals should note that this is not a title aimed at attorneys or legal scholars, or even at organizational entertainment industry clients like record companies or rights organizations. This work is one written for individual artists, particularly musicians, seeking to gain a basic understanding of intellectual property laws impacting their work.

Though legal professionals may find the work to be too general for their needs, and the author's take on copyright law at times oversimplified, lay readers will appreciate Boshier's jargon-free language and her ability to describe the law in the context of their creative process. Initial chapters discuss rationales for intellectual property protection, before describing what copyright law does—and does not—protect, what constitutes infringement, how to handle infringement claims, and commonly available remedies for infringement. Boshier moves, in certain chapters, beyond discussing the law itself, to describing common relationships amongst rightsholders in the music industry, and the various contracts and agreements that artists may be asked to, or wish to, conclude at all stages of their work. Boshier is careful to disclaim she is offering artists legal advice, and opts to describe legal concepts in general terms, urging her audience to seek legal counsel when they encounter the risks she highlights. Recognizing, too, that musicians may not know where to seek referrals for attorneys with relevant expertise, Boshier suggests several organizations that can direct them to competent counsel. She wisely emphasizes that in order to anticipate and forestall future disputes, artists should seek legal advice early in the creative process. She notes that although disputes settled in court receive significant attention, litigation is expensive and, as such, parties should consider resolving disputes via negotiation.

In describing significant legal concepts, Boshier makes good use of the ample case law generated by copyright disputes. She uses case law that provides both interesting facts and instructive lessons, to engage her audience. Though musical compositions, lyrics, and sound recordings are the focus of the work, Boshier also addresses intellectual property rights that attach to related items such as album art and promotional merchandising goods. Modern audiences will appreciate Boshier's frank discussion of social media and other online content outlets, and the risks associated with posting content on applications such as TikTok or web platforms such as YouTube. In her conclusion, Boshier discusses evolving issues surrounding artificial intelligence (AI) and blockchain technologies in the context of intellectual property, emphasizing there is currently no consensus surrounding concerns such as whether songs created by AI tools are protected by copyright, and that readers should remain alert to emerging legal norms.

Readers seeking a book with broad comparative focus should note that Boshier focuses to a significant degree on UK domestic law and also covers United States and European Union law. References to the law of other jurisdictions are limited to instances in which the laws of other nations contrast with those in the UK or US, or with EU law. Early in the book Boshier discusses key international treaties governing copyright law, and their impact on certain domestic laws, but does not re-print either those treaties or the domestic laws she describes as appendices within the book, leaving interested readers to locate these on their own.

Because Boshier adopts a casual tone, certain legal readers may find her prose to be, at times, difficult to follow. Boshier relies heavily on the passive voice, and her style, in addressing a non-legal audience, lacks the conciseness and specificity expected in typical legal writing. For example, she discusses litigation and resulting judicial opinions without providing the jurisdiction and/or without offering sufficient citation information such that the

reader could quickly locate the docket or opinion. She occasionally utilizes acronyms not recently defined in the text leaving readers to browse the book or independently search for the term to refresh their recollection as to its meaning. Future editions could address this tension between clarity and brevity by expanding the key term list provided at the front of the text. Likewise, an appendix providing the text of major treaties and domestic statutes would be a useful readers' aid, as would a list of cited legal authorities.

In sum, *Copyright in the Music Industry* is an approachable work offering a basic primer on copyright law for musicians and other artists working in the music industry, and one that is particularly useful for those working or distributing their work in the UK and the US. The title would make an excellent addition to a library serving music and arts students, or appropriate assigned reading in courses discussing the practicalities of professional artistry.

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***Judicial Review in the European Banking Union***. Edited by Chiara Zilioli and Karl-Philipp Wojcik. Cheltenham, UK; Northampton, MA. Edward Elgar Publishing, 2021. Pp. 672. ISBN: 978-1-80037-319-8. US\$295.

The European Banking Union (EBU) emerged as a response to the 2007/2008 global financial crisis to better integrate the banking system in the euro-area countries. It currently consists of two pillars that became functional in 2014 and 2016, respectively: a Single Supervisory Mechanism (SSM) and a Single Resolution Mechanism (SRM). A single rulebook ensures uniform application in the participating European Union (EU) Member States. A third pillar, a European Deposit Insurance Scheme (EDIS), is under current discussion to complete the EBU.

*Judicial Review in the European Banking Union* analyzes the current two-pillar framework of the EBU with a particular focus on judicial review and the case law of the European Court of Justice (CJEU). The book is part of the Elgar Financial Law and Practice series. As such, it is written by leading practitioners with experience in the institutions covered and scholars in the field of finance, banking, and EU law. Their combined experience makes this book a valuable resource for practitioners and academics alike. It is not intended for a novice in (European) banking and financial law. A solid background knowledge of (European) banking and financial law is necessary to understand the many references to legislation and court decisions, abbreviations, and technical terms.

The book is divided into four parts. A general introduction to the EBU and an overview of the structure and objective of the book precedes the first part. Part one deals with common aspects of judicial review in the SSM and SRM pillars of the EBU. Part two focuses on specific aspects of judicial review within the SSM, whereas part three does the same for the SRM. Part four discusses the first significant EBU cases decided by the CJEU. The parts build on each other but also stand separately. Each part contains numerous individual contributions that cover a specific topic in more depth. Readers may refer to the index at the end of the book or the table of cases or legislation to identify the chapters pertaining to their particular interests.

Even though each chapter is worth reading, it would be impossible to cover all of them in the manner they deserve in this review. As the EBU is a very recent development, all of the topics discussed are timely. In their conclusions, the authors evaluate whether the objectives of the SSM and the SRM are achieved and provide a future outlook. Key topics covered include procedural issues, such as pre-litigation review, standing, and jurisdiction; democratic accountability; the relationship between EU and national institutions and between national and EU courts; banking authorizations; investigatory powers; instructions of the ECB; challenges to fines or to decisions on contributions and fees; and state aid, among others. In addition to the detailed CJEU case reviews in the fourth part, most of the other contributions also include case references to put the theoretical discussion into context.

Some contributions are worth highlighting for their particular practical relevance. Eleni Koupepidou's chapter on the Administrative Review Board in the SSM (ABoR) and Marco Lamandini and David Ramos Munoz's chapter on the SRM Appeal Panel discuss these pre-litigation review mechanisms and considerations for the concerned parties to seek review by one of these bodies instead of or in addition to review by EU courts.