


Benjamin S. Akley

Partner

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Benjamin Akley is a partner in Pryor Cashman’s Litigation, Intellectual Property, and Media + Entertainment Groups, where he works on complex entertainment and commercial disputes on behalf of both plaintiffs and defendants.

Whether in the entertainment industry or broader commercial settings, Benjamin works closely with clients to develop a litigation strategy tailored to their specific business goals. By maintaining a long-term and big-picture perspective, he helps clients achieve positive results in and out of the courtroom.

Entertainment, Media, and Fashion Litigation

Benjamin has extensive experience representing high-profile celebrity, entertainment, media, sports, and fashion-industry clients. He understands the unique issues and concerns presented in these contexts, including preserving public image and brand value and the need to protect potential ongoing business relationships.

Matter highlights include representing:

- Nearly 100 people and companies involved in the music industry (including artists, producers, writers, labels, and publishers), defending against copyright claims brought by two Jamaican musicians who contend that over 1,800 reggaeton, dancehall, Latin, and stylistically similar songs are infringing on their work.
- The screenwriter and studio of a successful action film franchise, winning summary judgment and defeating copyright claims brought by the author of a surprisingly but wholly coincidentally similar short story.
- The producer of a successful biopic about the star of a famous film from the 1970s, successfully arguing that recreations of the film in the biopic were fair use and therefore non-infringing.
- A music publisher, dismissing claims related to the publisher’s payment of royalties to a songwriter’s heirs.
- A sports management agency, favorably settling contract and fraud claims.
- A music manager, obtaining a favorable judgment against a client who failed to pay due commissions.
- A fashion brand, favorably settling trademark claims.
- A music label and artist, defending against a claim that their successful song and music video infringed on a video created and submitted as part of a contest.
- A public figure in claims arising from the wrongful misappropriation of valuable shares of stock.
- A ticketing service company, favorably settling contract disputes with live show production companies.
- A high-profile musician and his label, favorably settling a copyright dispute concerning the unauthorized use of the musician’s works in a documentary film about the musician made without authorization by a foreign independent film studio.
- An independent film distributor, obtaining dismissal of claims brought by an investor, first in federal district court and then in arbitration.

- An NBA star in connection with trademark and related claims arising from his shoe collaboration with a well-known sportswear company.
- The artists, writers, labels, and publishers of a hit song, defending against a copyright claim brought by an instrumental musician.

Fair Use

Benjamin is a sought-after litigator for cases concerning copyright fair use and is a thought leader on the topic. He has written multiple amicus briefs—including two submitted to the U.S. Supreme Court—and given lectures on fair use to the New York State Bar Association and clients. The law surrounding fair use is complex, uncertain, and full of risks and pitfalls, and Benjamin is known for advising clients on the best ways to exert and protect their rights while still capitalizing on their artistic vision.

Minors' Contract Approval

Benjamin works with members of the entertainment industry—including music publishers, record companies, film producers, and technology companies—on court approval of minors' employment contracts. Because California's unique statutory regime allows, in certain circumstances, for employment contracts entered into with minors in the entertainment industry to be "approved" by the courts, clients rely on Benjamin to help navigate the intricacies of this idiosyncratic process seamlessly and avoid potential liability.

Highlights of his work for clients and their minor artists include:

- Universal Music Group for artists Billie Eilish, Olivia Rodrigo, Kidd G, Glaive, Ai Bendr, Jazmin Bean, Calvary Kylan, D4vd, Claire Rosinkranz, and the minor contestants on the TV musical competition *The Voice*.
- Artist Partner Group for artists Michael Gerow, Ivy Reed, Kylie Cantrell, Anti Da Menace, Luh JB, and 408 Darwin.
- Team Siwa (Jojo Siwa's production company) in connection with her "Siwas Dance Pop Revolution" group XOMG.
- Darkroom Records for various musicians.
- Arthouse Entertainment for various musicians.

Real Estate Litigation

Benjamin has had significant involvement in real estate litigation, including on behalf of both commercial landlords and tenants in lease disputes.

Highlights of his work in this field include representing:

- Multiple landlords with tenants who refused to pay rent during COVID pandemic, winning summary judgment and obtaining an affirmance on appeal in one case and favorably settling in another.
- A landlord, favorably settling claims by a broker brought under a lease that never commenced.
- A trust beneficiary, favorably settling competing claims to a valuable residential property held in the trust.
- A tenant in a business disturbance dispute related to the landlord's erection of an obscuring scaffolding, favorably settling claims.
- A tenant whose landlord attempted to concoct grounds for an eviction in order to redevelop the leased property.
- A bank in connection with an unpaid construction loan secured by a valuable hotel property.
- A hospitality company, favorably settling intellectual property and intra-corporate claims related to a valuable collection of hotels and restaurants.

While in law school, Benjamin worked at the New York State Division of Human Rights and the SEC in the Division of Trading and Markets, where he helped develop the interim short sale prohibition and reporting rules during the 2008 financial crisis. He was a summer associate at Pryor Cashman in 2009.

Services

- Media + Entertainment
- M+E Litigation
- Litigation
- Intellectual Property
- Real Estate Litigation

Education

- Georgetown University Law Center (J.D., 2010)
- University of Colorado Boulder (B.A., 2006)

Recognition

- Named one of *Lawdragon* 500 Leading Global Entertainment, Sports & Media Lawyers for Litigation - Entertainment, Media, Fashion (2025)
- *Best Lawyers in America*, “Ones to Watch” in Commercial Litigation (2025)

Community

- Big Brothers Big Sisters
- California Innocence Project
- Disabled Sports Eastern Sierra
- Make-A-Wish Foundation
- Soldiers’ Angels
- Volunteer Lawyers for the Arts

Admissions

- New York, 2011
- California, 2011

Professional Affiliations

- Beverly Hills Bar Association

Publications

December 5, 2024

California’s New AI Laws: What Content Creators and IP Owners Need to Know

July 18, 2024

Four Years of COVID-Related Rental Disputes End Favorably for Commercial Landlords in California

May 28, 2024

Supreme Court Leaves Discovery Rule’s Applicability in Copyright Actions an Open Question (For Now)