

Donald S. Zakarin

Partner



New York, NY



dzakarin@pryorcashman.com



212.326.0108



Partner Donald Zakarin is Chair Emeritus of Pryor Cashman’s Litigation Group, Co-Chair of the Music Group and the Media + Entertainment Litigation Practice, and a member of the firm’s Intellectual Property, Media + Entertainment, and Digital Media Groups. He has tried dozens of cases to both juries and judges around the country, including copyright ownership and copyright infringement cases, representing all of the major music companies. He has also defended corporate executives in securities cases and in Securities and Exchange Commission (SEC) and Attorney General investigations during the more than 45 years he has been at the firm.

During the past 25 years, Don’s practice has increasingly focused on representing the owners and creators of musical compositions and sound recordings. In both 2017 and again in 2022, Don and a team of Pryor Cashman lawyers successfully represented the National Music Publishers Association and the Nashville Songwriters’ Association International, on behalf of the United States music publishing industry and songwriters, in Copyright Royalty Board proceedings to fix the mechanical royalty rate for interactive streaming.

High-Stakes Cases for High-Profile Music Clients

Don has long been regarded as one of the country’s preeminent litigators in the music business, and is among the primary go-to lawyers in litigation for songwriters, recording artists, major record companies and music publishers (and their senior-most executives), most recently including:

- Ed Sheeran
- Ariana Grande
- Ryan Tedder
- H.E.R.
- Universal Music Group
- Sony Music Publishing
- Warner Music Group
- Sony Music Entertainment
- National Music Publishers Association

Don’s reputation as one of the country’s foremost music litigators has been reaffirmed in recent cases:

- In May 2023, Don and a team of Pryor Cashman lawyers successfully obtained a jury verdict that Ed Sheeran independently created his musical composition “Thinking Out Loud” and did not infringe “Let’s Get It On.”

- Just months earlier, Don and a Pryor Cashman team obtained the dismissal of an infringement suit brought against Ed Sheeran, Benny Blanco, Khalid, Happy Perez, and Halsey with respect to the song “Eastside.”
- Don’s deep knowledge of the music publishing industry and his litigation skills were also fundamental in the bitterly fought mechanical royalty rate proceeding known as *Phonorecords IV*, which was settled in September 2022, on the eve of trial, producing increased mechanical royalties payable to songwriters and publishers by Spotify, Amazon, Apple, and other interactive streaming services.
- At the same time that *Phonorecords IV* was being litigated, Don also was part of a team of Pryor Cashman lawyers successfully upholding the 2018 *Phonorecords III* decision, on remand from the D.C. Circuit, which awarded songwriters and publishers a 44% increase in mechanical royalties payable by the streaming services.
- Don also successfully secured summary judgment on behalf of a major production music company in a Federal Court action, dismissing the complaint of two production music authors who claimed fraud and breach of contract, seeking millions of dollars in allegedly underpaid royalties.

Don has extensive experience in representing clients in actions and governmental proceedings involving:

- Copyright termination rights, website piracy, and music streaming on digital platforms
- Public performance rights related to agreements with performing rights organizations (PROs) such as ASCAP, BMI, and SESAC

Taking on Complex Business Litigation

Beyond the world of music, Don has long been respected as an experienced and sophisticated business litigator in commercial, complex contract, antitrust and securities cases. These include:

- Defending a former Fortune 500 chairman and CEO in an SEC investigation, shareholders and bondholders class actions, shareholder’s derivative actions, and employment contract arbitration.
- Defending the chairman and CEO of a pharmaceutical company after an extended SEC investigation of off-balance-sheet joint ventures and persuading the SEC not to pursue charges.

Don also advises clients in alternative dispute resolution (ADR) proceedings and has served as a party-designated arbitrator in a number of forums.

Joining Legal and Business Disciplines

Don’s business background, combined with his litigation skills, affords him insight into the business issues confronting his clients and the ability to utilize that knowledge to help his clients achieve their litigation objectives.

Services

- Copyright
- M+E Litigation
- Intellectual Property
- Litigation
- Media + Entertainment
- Music
- Music Litigation
- White Collar + Regulatory Enforcement

Education

- New York University School of Law (J.D., 1975)
 - Member, Journal of International Law and Politics
- State University of New York at Buffalo (B.S., *magna cum laude*, 1972)

Recognition

- Named one of *Lawdragon* 500 Leading Global IP Lawyers for Litigation – Music, Copyright (2025)
- Recognized in *Variety's* Music Legal Elite Report (2024)
- Named a “Top Music Lawyer” by *Billboard* (2018-21, 23-25); named to *Billboard* Power 100 list (2024)
- Recognized by *Chambers USA* (Band 1) as one of the top attorneys in Media + Entertainment: Litigation (2015-25)
- Named a leading attorney in Entertainment Law – Music by *Best Lawyers in America* (2015-26)
- Named one of *Lawdragon* 500 Leading Global Entertainment, Sports & Media Lawyers for Litigation - Music, Media, Entertainment, IP (2025)
- Recognized as a leading attorney in Copyright (2012-13, 2015-21) and Media + Entertainment (2017-21) by *The Legal 500*
- Named a “General Litigation Trailblazer” by *The National Law Journal* (2023)
- Named a “Legal Lion of the Week” by *Law360* (2023)
- Named a “Litigator of the Week” runner-up by *The Litigation Daily* (2023)
- Named a “Copyright Star” by *Managing IP* (2022-25)
- Named “Lawyer of the Year” by *Best Lawyers in America* (2020)
- Named to the *Super Lawyers – New York Metro* list in Intellectual Property Litigation (2008-25) and Business Litigation (2008-23); “Top 100” lawyers (2009-10, 2019-21)

Admissions

- New York

Professional Affiliations

- Member, American Bar Association, Litigation Section

Publications

October 2, 2023

Janowitz and Zakarin Comment on Justice Engoron’s Time at Pryor Cashman
ABC News

May 25, 2023

Zakarin and Farkas Outline Sheeran Copyright Victory for Law360
Law360

May 11, 2023

Farkas and Zakarin Discuss Sheeran Trial in Litigation Daily Q+A
Am Law Litigation Daily

January 30, 2023

Zakarin and Saady Write About Copyright Issues for Brands + Influencers on Social Media
Westlaw Intellectual Property Journal

November 7, 2022

Soloway and Zakarin Discuss the Firm’s Litigation Successes with New York Law Journal
New York Law Journal

August 26, 2021

Circuit to Warhol Estate: Google v. Oracle Does Not Dictate A Different Result