Genius sues Google over allegedly stolen song lyrics

Lyrics website Genius is suing Google, saying the company continues to knowingly copy its song lyrics and use them in search results. Genius also alleges that Google's practices are anticompetitive, and it's asking for $50 million in damages from Google and a partner.

Google displays song lyrics that are provided by partners in response to certain search queries. Genius alleged earlier this year that, in some instances, those lyrics were copied from its website, something it was able to track through a clever watermarking scheme. Genius is now suing over the allegedly lifted lyrics, accusing Google and a lyrics partner, LyricFind, of breaching its terms of service.

The complaint, filed in Brooklyn, New York, on December 3rd, says that Google's behavior not only violates its terms of service agreement, but it profits off of the "ten years and tens of millions of dollars" Genius has spent to build its business and database, and so it amounts to unfair competition.

Genius watermarked its lyrics using apostrophes
In addition to monetary damages, Genius says it is entitled to a permanent injunction against LyricFind, "prohibiting the continued misappropriation of content from Genius's website, including the licensing of such content to third parties, such as Google."

Genius, a platform that music fans can use to look up and annotate lyrics, says Google has been copying its lyrics for years. In June 2019, *The Wall Street Journal* obtained a letter

that Genius wrote to Google in April warning that it had broken the site's terms of service and that reusing the lyrics violated antitrust law.

The site employed a watermarking trick using alternating straight and curved apostrophes to prove Google was using its lyrics instead of generating its own. Google responded by saying that it licenses song lyrics from a variety of sources, including LyricFind. It then asked LyricFind to "investigate the issue to ensure that they're following industry best practices in their approach."

Genius doesn't have a copyright claim because it doesn't own the lyrics. Both Genius and Google hold licenses from music publishers to print song lyrics, which makes the lawsuit tricker, focusing more on how Google and its partners got the lyrics to begin with. Recent court rulings have found that web scraping itself is not inherently illegal, but it's still common for websites to include a terms of service that prohibits scraping its data. However, if both parties have licenses to display the content, it might not be technically illegal for Google to display copied lyrics.

Genius' case doesn't look particularly strong, John Bergmayer, legal director with the consumer advocacy group Public Knowledge, tells *The Verge*. But Google may still have reason to worry, given rising concerns about the company's scope and size. "I think that Google should actually take the claims very seriously, not because any one of the particular legal arguments is a slam dunk winner," Bergmayer says. "It's just they're too big, they're too powerful, and they're involved in too many things … That's Google's biggest danger here, that overall atmosphere."

Update December 3rd, 2:50PM ET: *Genius says its lawsuit asks for $50 million total, not $400 million as initially stated, which is the sum of the eight $50 million damage claims in the lawsuit.*

https://www.theverge.com/2019/12/3/20993621/genius-google-lawsuit-stolen-lyrics-lyricfind