

To: Beatport, LLC (lmk@bhgrlaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85396824 - SOUNDS TO SAMPLE - 93020.00010
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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85396824

MARK: SOUNDS TO SAMPLE

85396824

CORRESPONDENT ADDRESS:

PATRICK K. PERRIN
BERG HILL GREENLEAF & RUSCITTI LLP
1712 PEARL ST
BOULDER, CO 80302-5517

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APPLICANT: Beatport, LLC

CORRESPONDENT'S REFERENCE/DOCKET NO :

93020.00010

CORRESPONDENT E-MAIL ADDRESS:

lmk@bhgrlaw.com

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE: 9/15/2011

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SEARCH RESULTS

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d).

SECTION 2(e)(1) REFUSAL – MERELY DESCRIPTIVE

Registration is refused because the applied-for mark merely describes a feature of applicant's goods and services. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); see TMEP §§1209.01(b), 1209.03 *et seq.*

The determination of whether a mark is merely descriptive is considered in relation to the identified goods and/or services, not in the abstract. *In re Abcor Dev. Corp.*, 588 F.2d 811, 814, 200 USPQ 215, 218 (C.C.P.A. 1978); TMEP §1209.01(b); see, e.g., *In re Polo Int'l Inc.*, 51 USPQ2d 1061 (TTAB 1999) (finding DOC in DOC-CONTROL would be understood to refer to the "documents" managed by applicant's software, not "doctor" as shown in dictionary definition); *In re Digital Research Inc.*, 4 USPQ2d 1242 (TTAB 1987) (finding CONCURRENT PC-DOS merely descriptive of "computer programs recorded on disk" where relevant trade used the denomination "concurrent" as a descriptor of a particular type of operating system). "Whether consumers could guess what the product is from consideration of the mark alone is not the test." *In re Am. Greetings Corp.*, 226 USPQ 365, 366 (TTAB 1985).

"A mark may be merely descriptive even if it does not describe the 'full scope and extent' of the applicant's goods or services." *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004) (citing *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001)); TMEP §1209.01(b). It is enough if the term describes only one significant function, attribute or property. *In re Oppedahl*, 373 F.3d at 1173, 71 USPQ2d at 1371; TMEP §1209.01(b).

The term "sample" is commonly used in the music industry and refers to a portion of sound recordings and reusing it or combining it with other different sound recordings.

In music, sampling is the act of taking a portion, or sample, of one sound recording and reusing it as an instrument or a different sound recording of a song or piece. The widespread use of sampling in popular music originated with the birth of electronic dance music, hip hop music and industrial music in the late 1970s to early 1980s. This is typically done with a sampler, which can be a piece of hardware or a computer program. Sampling is also possible with tape loops or with vinyl records on a phonograph.

Often "samples" consist of one part of a song, such as a break, used in another, for instance the use of the drum introduction from Led Zeppelin's "When the Levee Breaks" in songs by the Beastie Boys, Dr. Dre, Eminem, Mike Oldfield, Rob Dougan, Coldcut, Depeche Mode and Erasure, and the guitar riffs from Foreigner's "Hot Blooded" in Tone Lōc's "Funky Cold Medina". "Samples" in this sense occur often in industrial music, often using spoken words from movies and TV shows, as well as electronic music (which developed out of the musique concrète style of electroacoustic music, based almost entirely on samples and sample-like parts), hip hop, developed from DJs repeating the breaks from songs, and contemporary R&B, but are becoming more common in other music as well." www.wikipedia.org.

The attached evidence demonstrates that sampling music sounds is a popular and common service provided over the internet.

The applicant's mark SOUNDS TO SAMPLE describes the services which feature a website that allows one to sample musical sounds.

The applied-for mark has been refused registration on the Principal Register. Applicant may respond to the refusal by submitting evidence and arguments in support of registration and/or by amending the application to seek registration on the Supplemental Register. See 15 U.S.C. §1091; 37 C.F.R. §§2.47, 2.75(a); TMEP §§801.02(b), 816. Amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusal. TMEP §816.04.

REQUIREMENTS

RECITATION OF GOODS AND SERVICES

Class 9

The wording “downloadable digital music bits” in the identification of goods is indefinite and must be clarified. Please state the common commercial name of the goods or explain the meaning of “music bits.” Applicant may amend to “downloadable music sample sounds.” *See* TMEP §1402.01.

Class 35

The wording “Distribution of bits of music and loops of music” in the identification of services is indefinite, incorrectly classified and must be clarified. What is meant by “distribution”? Is the applicant selling goods (retail services) or providing a website in which someone may listen to certain samples of music (entertainment services namely providing a website featuring non-downloadable music sample sounds and musical loops or providing an Internet website portal in the field of music- Class 41). Please clarify. *See* TMEP §1402.01.

An applicant may amend an identification of goods and services only to clarify or limit the goods and services; adding to or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07 *et seq.*

The Office requires a degree of particularity necessary to identify clearly goods and/or services covered by a mark. *See In re Omega SA*, 494 F.3d 1362, 1365, 83 USPQ2d 1541, 1543-44 (Fed. Cir. 2007). Descriptions of goods and services in applications must be specific, explicit, clear and concise. TMEP §1402.01; *see In re Cardinal Labs., Inc.*, 149 USPQ 709, 711 (TTAB 1966); *Cal. Spray-Chem. Corp. v. Osmose Wood Pres. Co. of Am.*, 102 USPQ 321, 322 (Comm’r Pats. 1954).

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahhtml/tidm.html>. *See* TMEP §1402.04.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal and/or requirements in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant’s rights. *See* TMEP §§705.02, 709.06.

/Lesley LaMothe/
Trademark Attorney
Law Office 107
571-272-9184
lesley.lamothe@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

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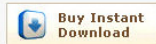
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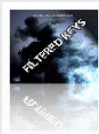
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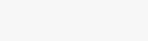
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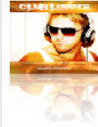
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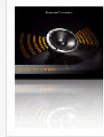


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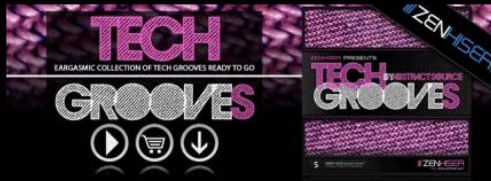
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Article Discussion

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Sampling (music)

From Wikipedia, the free encyclopedia

This article is about reusing existing sound recordings in creating new works. For other uses, see [Sample \(disambiguation\)](#).

In music, **sampling** is the act of taking a portion, or *sample*, of one sound recording and reusing it as an instrument or a different sound recording of a song or piece. The widespread use of sampling in popular music originated with the birth of electronic dance music, hip hop music and industrial music in the late 1970s to early 1980s. This is typically done with a sampler, which can be a piece of hardware or a computer program. Sampling is also possible with tape loops or with vinyl records on a phonograph.

Often "samples" consist of one part of a song, such as a *break*, used in another, for instance the use of the drum introduction from Led Zeppelin's "When the Levee Breaks" in songs by the Beastie Boys, Dr. Dre, Eminem, Mike Oldfield, Rob Dougan, Coldcut, Depeche Mode and Erasure, and the guitar riffs from Foreigner's "Hot Blooded" in Tone Lōc's "Funky Cold Medina". "Samples" in this sense occur often in industrial music, often using spoken words from movies and TV shows, as well as electronic music (which developed out of the *musique concrète* style of electroacoustic music, based almost entirely on samples and sample-like parts), hip hop, developed from DJs repeating the breaks from songs,^[1] and contemporary R&B, but are becoming more common in other music as well.

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Types

[edit]

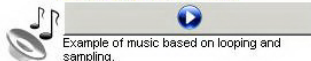
Once recorded, samples can be edited, played back, or looped (i.e. played back continuously). Types of samples include:

Loops

Main article: Music loop

[edit]

Loop- and sample-based music



Example of music based on looping and sampling.

main article: [music loop](#)

The drums and percussion parts of many modern recordings are really a variety of short samples of beats strung together. Many libraries of such beats exist and are licensed so that the user incorporating the samples can distribute their recording without paying royalties. Such libraries can be loaded into samplers. Though percussion is a typical application of looping, many kinds of samples can be looped. A piece of music may have an *ostinato* which is created by sampling a phrase played on any kind of instrument. There is software which specializes in creating loops.



Musical instruments [edit]

Whereas loops are usually a phrase played on a musical instrument, this type of sample is usually a single note. [Music workstations](#) and samplers use samples of musical instruments as the basis of their own sounds, and are capable of playing a sample back at any pitch. Many modern [synthesizers](#) and [drum machines](#) also use samples as the basis of their sounds. (See [sample-based synthesis](#) for more information.) Most such samples are created in professional recording studios using world-class instruments played by accomplished musicians. These are usually developed by the manufacturer of the instrument or by a subcontractor who specializes in creating such samples. There are businesses and individuals who create libraries of samples of musical instruments. Of course, a sampler allows anyone to create such samples.

Possibly the earliest equipment used to sample recorded instrument sounds are the [Chamberlin](#), which was developed in the 1940s, and its better-known cousin, the [Mellotron](#), marketed in England in the 1960s. Both are [tape replay keyboards](#), in which each key pressed triggers a prerecorded tape loop of a single note.

Musicians can reproduce the same samples of break beats like the "Amen" break which was composed, produced and mastered by the [Winston Brothers](#) in 1960s. Producers in the early 1990s have used the whole 5.66 second sample; but music workstations like the [Korg Electribe Series](#) (EM-1, ES-1; EMX-1 and the ESX-1) have used the "Amen" kick, hi hat and snare in their sound wave libraries for free use. Sampler production companies have managed to use these samples for pitch, attack and decay and DSP effects to each drum sound. These features allow producers to manipulate samples to match other parts of the composition.

Most sample sets consist of multiple samples at different pitches. These are combined into [keymaps](#), that associate each sample with a particular pitch or pitch range. Often, these sample maps may have different layers as well, so that different velocities can trigger a different sample.

Samples used in musical instruments sometimes have a looped component. An instrument with indefinite sustain, such as a pipe organ, does not need to be represented by a very long sample because the sustained portion of the timbre is looped. The sampler (or other sample playback instrument) plays the attack and decay portion of the sample followed by the looped sustain portion for as long as the note is held, then plays the release portion of the sample. A common standard format for generating such sample sets is the [SoundFont](#) protocol.

Resampled layers of sounds generated by a music workstation [edit]

To conserve [polyphony](#), a workstation may allow the user to sample a layer of sounds (piano, strings, and voices, for example) so they can be played together as one sound instead of three. This leaves more of the instruments' resources available to generate additional sounds.

Recordings and popular examples [edit]

There are several genres of music in which it is commonplace for an artist to sample a phrase of a well-known recording and use it as an element in a new composition. A well-known example includes the sample of [Queen/David Bowie's "Under Pressure"](#) (1981) in [Vanilla Ice's "Ice Ice Baby"](#) (1990). Some of the earliest examples in popular electronic music were from [Yellow Magic Orchestra](#),^{[2][3]} such as "Computer Game / Firecracker" (1978) sampling a [Martin Denny](#) melody^[4] and [Space Invaders](#)^[5] game sounds,^[4] while [Technodelic](#) (1981) was one of the first albums to feature mostly samples and loops.^[3]

On [MC Hammer's](#) album *Please Hammer, Don't Hurt 'Em*, the successful single "U Can't Touch This" sampled [Rick James'](#) 1981 "Super Freak". "Have You Seen Her" was a cover of the [Chi-Lites](#) and "Pray" sampled [Prince's](#) "When Doves Cry" as well as [Faith No More's](#) "We Care a Lot".^[6] "Dancin' Machine" sampled [The Jackson 5](#), "Help the Children" interpolates [Marvin Gaye's](#) "Mercy Mercy Me (The Ecology)", and "She's Soft and Wet" also sampled [Prince's](#) "Soft and Wet".^[7] Hammer's previous album and future albums would continue to sample music, although not as notable as this album did.

The [Isley Brothers'](#) song *Between The Sheets* is a song heavily sampled by many different artists, most notably [Notorious B.I.G.'s](#) *Big Poppa*, and [Gwen Stefani's](#) *Luxurious*.

In many cases, artists even join the original artist or receive permission to sample songs such as [Coolio](#) did for "Gangsta's Paradise". It sampled the chorus and music of the song "Pastime Paradise" by [Stevie Wonder](#) (1976). Wonder performed the song with Coolio and L.V. at the 1995 [Billboard Awards](#). Notably, much of Coolio's album excessively sampled other artists; including "Too Hot" (contains an interpolation of "Too Hot", originally performed by [Kool & The Gang](#)), "Cruisin'" (contains an interpolation of "Cruisin'", originally performed by [Smokey Robinson & the Miracles](#)), "Sumpin' New" (which contains samples of both "Thighs High (Grip Your Hips More)" performed by [Tom Browne](#) and "Wikka Wrap" performed by

by **Smokey Robinson & the Miracles**, *Samplin' New* (which contains samples of both "Highs (High (Oh) Too High) (More)" performed by **Tom Browne** and "Wikka Wika" performed by **The Evasions**), "Smilin'" (contains an interpolation of "You Caught Me Smiling", originally performed by **Sly & The Family Stone**), "Kinda High, Kinda Drunk" (contains interpolations of "Saturday Night" and "**The Boyz in Da Hood**"), "For My Sistas" (contains an interpolation of "Make Me Say It Again Girl", originally performed by **The Isley Brothers**), "A Thing Goin' On" (contains an interpolation of "Me & Mrs. Jones"), "The Revolution" (contains an interpolation of "Magic Night"), "Get Up, Get Down" (contains an interpolation of "**Chameleon**", originally performed by **Herbie Hancock**)^[8] and the first line of "Gangster's Paradise" is taken from **Psalms 23**.^[9]

Another example is in 1997, when **Sean Combs** collaborated with Jimmy Page of Led Zeppelin on the song "Come with Me" for the *Godzilla* film. The track sampled the **Led Zeppelin** song "Kashmir" (approved by Jimmy Page). "I'll Be Missing You" sampled the melody and some of the lyrics from **The Police's** "Every Breath You Take" from 1983. The single also borrows the melody from the well-known American spiritual "I'll Fly Away." Combs went on to perform it with **Sting** and **Faith Evans** on the **MTV Video Music Awards**. By the late 1990s, "Puffy" was receiving criticism for watering down and overly commercializing hip-hop and overusing guest appearances by other artists, samples and interpolations of past hits in his own hit songs.^{[10][11]} *The Onion* parodied this phenomenon in a 1997 article called "New rap song samples "Billie Jean" in its entirety, adds nothing."^[12]

Artists can often sample their own songs in other songs they have recorded, often in differently-titled remixes. **The Chemical Brothers** sampled their own song "The Sunshine Underground" in their later song "**We Are the Night**".

Sampler

[edit]

Main article: Sampler (musical instrument)

Legal issues

[edit]

Sampling has been an area of contention from a legal perspective. Early sampling artists simply used portions of other artists' recordings, without permission; once rap and other music incorporating samples began to make significant money, the original artists began to take legal action, claiming **copyright** infringement. Some sampling artists fought back, claiming their samples were **fair use** (a legal doctrine in the USA that is not universal). International sampling is governed by agreements such as the **Berne Convention for the Protection of Literary and Artistic Works** and the **WIPO Copyright and Performances and Phonograms Treaties Implementation Act**.

Early cases

[edit]

Sampling existing (copyrighted) recordings using manipulation with tape recorders goes back at least as far as 1961, when **James Tenney** created Collage #1 ("Blue Suede") from samples of **Elvis Presley's** recording of the song "Blue Suede Shoes." At the time, many artists such as **Brion Gysin** and **William S. Burroughs** were experimenting with the new technology that was tape-recording by manipulating existing works such as radio broadcasts. Brion Gysin's work tended to favor his permutation poems as the vehicle for cut-ups with spliced repetition of the same series of words rearranged in every conceivable pattern, frequently utilizing snippets of speeches or news broadcasts. Burroughs preferred a much more frantic and disorganized sound that would later spawn similar disjointed collage material from modern groups such as **Negativland**. Burroughs would record, for instance, a radio broadcast about military action, then dub parts of the broadcast likely at random often stuttering and distorting the original work far beyond comprehension.

However, before then, the 1956 novelty hit single "The Flying Saucer", by **Buchanan** and **Goodman**, used segments of the original recordings of 18 different chart hits from 1955–56, intertwined with spoken "news" commentary in the style of **Orson Welles'** "War of the Worlds" radio broadcast, to tell the story of a visit from a **flying saucer**. After the record was issued, an agreement was reached with music publishing houses for them to take a share of royalties from the records sold. Although his partnership with Buchanan soon ended, Dickie Goodman continued to make similar records through the 1960s and 1970s, one of his biggest hits being "Mr. Jaws" in 1975.^{[13][14]}

Simon and Garfunkel sampled themselves in using a portion of their song "The Sounds of Silence" in "Save the life of my child" from their 1967 "Bookends" album. **The Beatles** also used the technique on a number of popular recordings in the mid to late 60s, including "Yellow Submarine", "Revolution 9" and "I Am the Walrus." **John Kongos** is credited in the **Guinness World Records** as the first person to sample a song with his single, "He's Gonna Step On You Again". **Timothy Leary** sampled the Beatles and **the Rolling Stones** among others on his album *You Can Be Anyone This Time Around* in 1970.

In the early 1970s, **DJ Kool Herc** often looped hard funk break beats at block parties in The Bronx. However, sampling did not truly take off in popular music until the early eighties when pioneering hip hop producers, such as **Grandmaster Flash**, started to produce rap records using sampled **breaks** rather than live studio bands, which had until then been the norm.

Conventional wisdom would hold that the first popular rap single to feature sampling was "Rapper's Delight" by **The Sugarhill Gang** on their own independent Sugar Hill Label in 1979. However, instead of 'sampling' the existing record "Good Times" by **Chic**, Sugar Hill employed a house band, called "Positive Force" to record a copy of "Good Times" which was then rapped over. **Doug Wimbish** and other session musicians were called upon to play live music on many classic Sugar Hill records. Those sounds are not samples but live musicians.

Earliest examples of this practice include **Grandmaster Flash's** - "The Adventures of Grandmaster Flash on the Wheels of Steel" (1981) (which was made by recording vinyl

Earlier examples of this practice include *Strawhat* (1970) (the alteration of *Strawhat*'s bass on the *Music of Cuba* (1971) (which has since been recorded and manipulated on a pair of turntables and used the "Apache" break by the Incredible Bongo Band amongst other famous breaks), Brother D and the Collective Effort's "How We Gonna Make The Black Nation Rise" (1984) (which sampled the beat and bass line from Cheryl Lynn's 1978 hit "Got to be Real") and UTFO's "Roxanne Roxanne" (1984). Bill Holt's *Dreamies* (1974) is often cited as one of the earliest examples of sampling in popular music. Later examples of sampling include *Big Audio Dynamite* and their 1985 album *This Is Big Audio Dynamite* and the single *E=MC²* which Mick Jones (formerly of *The Clash*) sampled snippets of audio from various films including works by *Nicolas Roeg* which make up the Roeg homage *F=MC²*. The 1991 album by *David Byrne* and *Brian Eno*, *My Life in the Bush of Ghosts*, used sampling extensively for the songs' vocals.

One of the first major legal cases regarding sampling was with UK dance act *MIA[R]RIS* "Pump Up the Volume". As the record reached the UK top ten, producers *Stock Aitken Waterman* obtained an injunction against the record due to the unauthorized use of a sample from their hit single "Roadblock". The dispute was settled out of court, with the injunction being lifted in return for an undertaking that overseas releases would not contain the "Roadblock" sample, and the disc went on to top the UK singles chart. The sample in question had been so distorted as to be virtually unrecognizable, and *SAW* didn't realize their record had been used until they heard co-producer Dave Dorrell mention it in a radio interview.

2 Live Crew, a hip-hop group familiar with controversy, was often in the spotlight for their 'obscene' and sexually explicit lyrics. They sparked many debates about censorship in the music industry. However, it was their 1989 album *As Clean as They Wanna Be* (a re-tooling of *As Nasty As They Wanna Be*) that began the prolonged legal debate over sampling. The album contained a track entitled "Pretty Woman," based on the well-known *Roy Orbison* song *Oh, Pretty Woman*. *2 Live Crew*'s version sampled the guitar, bass, and drums from the original, without permission. While the opening lines are the same, the two songs split ways immediately following.^[15]

For example:

Roy Orbison's version – "Pretty woman, walking down the street/ Pretty woman, the kind I'd like to meet."

2 Live Crew's version – "Big hairy woman, all that hair ain't legit./ Cause you look like *Cousin Itt*."^[16]

In addition to this, while the music is identifiable as the Orbison song, there were changes implemented by the group. The new version contained interposed scraper notes, overlays of solos in different keys, and an altered drum beat.^[16]

The group was sued by the song's copyright owners *Acuff-Rose*. The company claimed that *2 Live Crew*'s unauthorized use of the samples devalued the original, and was thus a case of copyright infringement. The group claimed they were protected under the fair use doctrine. The case of *Campbell v. Acuff-Rose Music* came to the Supreme Court in 1994.

In reviewing the case, the Supreme Court didn't consider previous ruling in which any commercial use (and economic gain) was considered copyright infringement. Instead they re-evaluated the original frame of copyright as set forth in the Constitution. The opinion that resulted from *Emerson v. Davies* played a major role in the decision.^[15]

"[In] truth, in literature, in science and in art, there are, and can be, few, if any, things, which in an abstract sense, are strictly new and original throughout. Every book in literature, science and art, borrows, and must necessarily borrow, and use much which was well known and used before." *Emerson v. Davies*, 8 F.Cas. 615, 619 (No. 4,436) (CCD Mass. 1845)^[16]

Perhaps what played a larger role was the result from the *Folsom v. Marsh* case:

"look to the nature and objects of the selections made, the quantity and value of the materials used, and the degree in which the use may prejudice the sale, or diminish the profits, or supersede the objects, of the original work." *Folsom v. Marsh*, 9 F.Cas. 342, 348 (No. 4,901) (CCD Mass. 1841)^[16]

The court ruled that any financial gain *2 Live Crew* received from their version did not infringe upon *Acuff-Rose* because the two songs were targeted at very different audiences. *2 Live Crew*'s use of copyrighted material was protected under the fair use doctrine, as a parody, even though it was released commercially.^[15] While the appellate court had determined that the mere nature of the parody made it inherently unfair, the Supreme Court's ruling reversed this decision, with Justice David Souter writing that the lower court was wrong in determining parody alone to be a sufficient criterion for copyright infringement.^[17]

1990s

[edit]

Rick James sued *MC Hammer* for infringement of copyright on the track "U Can't Touch This" (which sampled his 1981 song "Super Freak"), but the suit was settled out of court when Hammer agreed to credit James as co-composer, effectively cutting James in on the millions of dollars the record was earning. Hammer was also sued by *Felton Pilate* (who had worked with the successful vocal group *Con Funk Shun*) and by several of his former backers, and faced charges that performance troupe members endured an abusive, militaristic atmosphere.^[18]

In 1992, Hammer also admitted in [depositions](#) and court documents to getting the idea for the song "Here Comes The Hammer" from a [Christian recording artist](#) in [Dallas, Texas](#) named Kevin Christian. Christian had filed a 16 million dollar [lawsuit](#) against Hammer for [copyright infringement](#) for his song entitled "Oh-Oh, You Got The Shing". This fact compounded with witness testimony from both Hammer's and Christian's entourages and other evidence including photos brought about a settlement with [Capitol Records](#) in 1994. The terms of the [settlement](#) remain sealed. Hammer settled with Christian the following year.^{[19][20]}

In the early 1990s, [Vanilla Ice](#) sampled the [bassline](#) of the 1981 song "Under Pressure" by [Queen](#) and [David Bowie](#) for his 1990 single "Ice Ice Baby".^[21] [Freddie Mercury](#) and [David Bowie](#) did not receive credit or royalties for the sample.^[22] In a 1990 interview, Rob Van Winkle said the two melodies were slightly different because he had added an additional note. In later interviews, Van Winkle readily admitted he sampled the song and claimed his 1990 statement was a joke; others, however, suggested he had been serious.^{[23][24]} Van Winkle later paid Mercury and Bowie, who have since been given songwriting credit for the sample.^[23]

More dramatically, [Biz Markie](#)'s album *I Need a Haircut* was withdrawn in 1992 following a US federal court ruling,^[25] that his use of a sample from [Gilbert O'Sullivan](#)'s "*Alone Again (Naturally)*" was willful infringement. This case had a powerful effect on the record industry, with record companies becoming very much concerned with the legalities of sampling, and demanding that artists make full declarations of all samples used in their work. On the other hand, the ruling also made it more attractive to artists and record labels to allow others to sample their work, knowing that they would be paid—often handsomely—for their contribution.

A notable case in the early 1990s involved the dispute between the group [Negativland](#) and [Casey Kasem](#) over the band's use of un-aired vocal snippets from Kasem's radio program [American Top 40](#) on the [Negativland](#) single "U2".

Another notable case involved British [dance music](#) act [Shut Up And Dance](#). Shut Up And Dance were a fairly successful [Breakbeat Hardcore](#) and [rave](#) scene outfit who like their contemporaries had liberally used samples in the creation of their music - without clearance from the individuals concerned. Although frowned upon the British music industry usually turned a blind eye to this mainly underground scene, however with rave at its commercial peak in the UK, Shut Up And Dance released the single "Raving I'm Raving" an upbeat breakbeat hardcore record which shot to #2 on the [UK Singles Chart](#) in May 1992. At the core of "Raving" were significant samples of [Marc Cohn](#)'s hit single "Walking in Memphis" with some of the lyrical content changed and sung by Peter Bouncer. Shut Up And Dance hadn't sought clearance from Marc Cohn for the samples they used in "Raving" and Marc Cohn took legal action against Shut Up And Dance for breach of copyright. An out of court settlement was eventually reached between Shut Up And Dance and Cohn which saw "Raving" in its current form banned and the proceeds from the single given to charity. Ironically Shut Up and Dance were later commissioned to produce remixes for [Cher](#)'s 1995 cover version of "Walking in Memphis" and were allowed by Cohn to use parts from the deleted "Raving I'm Raving" for this remix. Undeterred from earlier sampling issues they then went on to have relatively good success in the UK with a cover of [Duran Duran](#)'s "Save A Prayer", entitled "Save it til the mourning after" reaching No. 25 in the [UK Singles Chart](#) in 1995.

The Shut Up And Dance case had major ramifications on the use of samples in the UK and most artists and record labels now seek clearance for samples they use. However there are still cases which involve UK artists using uncleared samples. In October 1996 [The Chemical Brothers](#) released the single [Setting Sun](#) inspired by [The Beatles](#)' [Tomorrow Never Knows](#) and featuring [Oasis](#)' [Noel Gallagher](#) on vocals - a long admirer of The Beatles' work. Setting Sun hit #1 on the [UK Singles Chart](#) on first week of release and the common consensus was The Chemical Brothers had sampled/looped significant parts of Tomorrow Never Knows in the creation of Setting Sun. The three remaining Beatles took legal action against The Chemical Brothers/[Virgin Records](#) for breach of copyright, however a [musicologist](#) proved The Chemical Brothers had independently created Setting Sun - albeit in a similar vein to Tomorrow Never Knows.

In 1997 [The Verve](#) was forced to pay 100% of their royalties from their hit "[Bitter Sweet Symphony](#)" for the use of a licensed sample from an orchestral cover version of [The Rolling Stones](#)' hit "The Last Time".^[26] The Rolling Stones' catalogue is one of the most litigiously protected in the world of popular music—to some extent the case mirrored the legal difficulties encountered by [Carter the Unstoppable Sex Machine](#) when they quoted from the song "[Ruby Tuesday](#)" in their song "After the Watershed" some years earlier. In both cases, the issue at stake was not the use of the recording, but the use of the song itself—the section from "The Last Time" used by the Verve was not even part of the original composition, but because it derived from a cover version of it, [Mick Jagger](#) and [Keith Richards](#) were still entitled to royalties and credit on the derivative work. This illustrates an important legal point: even if a sample is used legally, it may open the artist up to other problems.

2000s

[[edit](#)]

In the summer of 2001, [Mariah Carey](#) released her first single from *Glitter* entitled "Loverboy" which featured a sample of "Firecracker" by [Yellow Magic Orchestra](#). A month later, [Jennifer Lopez](#) released "I'm Real" with the same "Firecracker" sample. Carey quickly discarded it and replaced it with "Candy" by [Cameo](#).

In 2001, [Armen Boladian](#) and his company [Bridgeport Music Inc.](#) filed over 500 copyright infringement suits against 800 artists using samples from [George Clinton](#)'s catalogue.

[Public Enemy](#) recorded a track entitled "Psycho of Greed" (2002) for their album *Revolverlution* that contained a continuous looping sample from [The Beatles](#)' track "[Tomorrow Never Knows](#)". However, the clearance fee demanded by [Capitol Records](#) and the surviving Beatles was so high that the group decided to pull the track from the album.

[Danquer Mouse](#) with the release of *The Grey Album* in 2004, which is a remix of [The Beatles](#)' self-titled album and rapper [Jay-Z](#)'s *The Black Album* has been embroiled in a similar

Danger Mouse with the release of *The Grey Album* in 2004, which is a remix of **The Beatles'** self-titled album and rapper **Jay-Z's** *The Black Album* has been embroiled in a similar situation with the record label **EMI** issuing **cease and desist** orders over uncleared Beatles samples.

On March 19, 2006, a judge ordered that sales of **The Notorious B.I.G.**'s album *Ready to Die* be halted because the title track sampled a 1972 song by the **Ohio Players**, "Singing in the Morning", without permission.^[27]

On November 20, 2008, electronic band **Kraftwerk** convinced the German Federal Supreme Court that even the smallest shreds of sounds ("Tonfetzen") are "copyrightable" (e.g. protected), and that sampling a few bars of a drum beat can be an infringement.^[28]

Legal issues in practice

[edit]

The most recent significant copyright case involving sampling held that even sampling three notes could constitute copyright infringement. *Bridgeport Music Inc. v. Dimension Films*, 410 F.3d 792 (6th Cir. 2005). This case was roundly criticised by many in the music industry, including the **RIAA**.

There has been a second important US case on music sampling involving the **Beastie Boys** who sampled the sound recording of a flute track by **James Newton** in their song "Pass the Mic." The Beastie Boys properly obtained a license to use the sound recording but did not clear the use of the *song* (the composition on which the recording is based including any music and lyrics). In *Newton v. Diamond and Others* 349 F.3d 591 (9th Cir. 2003) the US Appeals Court held that the use of the looped sample of a flute did not constitute copyright infringement as the core of the song itself had not been used.

A June 2006 case involving **Ludacris** and **Kanye West** held that their use of the phrases "like that" and "straight like that" which had been used on an earlier hip-hop track by another artist was not infringing use.

The New Orleans-based company **Cash Money Records** and former rapper **Juvenile** were taken to court by local performer DJ Jubilee (signed to Take Fo' Record Label) for using chants from his song titled *Back That Ass Up*. Both artist had used the same chant in each song, but Juvenile won the case because of the title's name change to *Back That Azz Up*, which sold 2 million copies. Because of the name change, Jubilee lacked evidence that Juvenile had stolen from him, and Jubilee could not earn Juvenile's income from his song.^[citation needed]

Today, most mainstream acts obtain prior authorization to use samples, a process known as "clearing" (gaining permission to use the sample and, usually, paying an up-front fee and/or a cut of the royalties to the original artist). Independent bands, lacking the funds and legal assistance to clear samples, are at a disadvantage - unless they seek the services of a professional sample replay company or producer.

Recently, a movement — started mainly by **Lawrence Lessig** — of **free culture** has prompted many audio works to be licensed under a **Creative Commons** license that allows for legal sampling of the work provided the resulting work(s) are licensed under the same terms.

Spoken word

[edit]

Usually taken from movies, television, or other non-musical media, spoken word samples are often used to create atmosphere, to set a mood, or even comic effect. The American composer **Steve Reich** used samples from interviews with **Holocaust survivors** as a source for the melodies on the 1988 album *Different Trains*, performed by the **Kronos Quartet**.

Many genres utilize sampling of spoken word to induce a mood, and **Goa trance** often employs samples of people speaking about the use of **psychoactives**, **spirituality**, or **science fiction** themes. Industrial is known for samples from horror/sci-fi movies, news broadcasts, propaganda reels, and speeches by political figures. The band **Ministry** frequently samples **George W. Bush**. **Paul Hardcastle** used recordings of a news reporter, as well as a soldier and ambient noise of a protest, in his single "Nineteen," a song about Vietnam war veterans and **Posttraumatic stress disorder**. The band **Negativland** samples from practically every form of popular media, ranging from infomercials to children's records. In the song "Civil War", **Guns N' Roses** samples from the 1967 film *Cool Hand Luke*, on the album *Use Your Illusion II*. Other bands that frequently used samples in their work are **noise rockers** **Steel Pole Bath Tub** and **death metal** band **Skyness**.

Unconventional sounds

[edit]

These are not musical in the conventional sense - that is, neither percussive nor melodic - but which are musically useful for their interesting timbres or emotional associations, in the spirit of *musique concrète*. Some common examples include sirens and klaxons, locomotive whistles, natural sounds such as whale song, and cooing babies. It is common in theatrical *sound design* to use this type of sampling to store sound effects that can then be triggered from a musical keyboard or other software. This is very useful for high precision or nonlinear requirements.

See also

[edit]

- Amon Tobin** - Brazilian electronic musician, known best for his use of sampling.

- **Anton Fomin** - Brazilian electronic musician, known best for his use of sampling.
- **Amen Brother** - one of the most sampled tracks of all time
- **Avalanches, The** - Australian band known for its use of sampling.
- **Berne Convention for the Protection of Literary and Artistic Works**
- **Craig Jones** - Sampler of the nu-metal band Slipknot
- **Compulsory Sampling License** - would allow artists to freely sample without copyright owner's permission
- **Cover version**
- **Creative Commons**
- **Daft Punk**
- **DJ Shadow** - best known for his album *Endtroducing.....* which is entirely made of samples
- **Exile (producer)**
- **Fair use**
- **Girl Talk**
- **Illegal Art**
- **Interpolation**
- **mashup** - extensive page illuminating current practices of extensive sampling and their precedents
- **Musical montage** - is a technique where sound objects or compositions are created from collage.
- **Music loop**
- **Musique concrète** - early development of fundamental importance in using recorded sound
- **Plunderphonics** - in which samples are the sole source of sound for new compositions
- **Prime Loops** - UK based sample pack provider
- **Remix**
- **Sampler (musical instrument)** - hardware and software platforms
- **Sampling (signal processing)** - Basic PCM theory
- **Segue**
- **Some Assembly Required** - A radio program dedicated to the art of Sound Collage.
- **Sound collage** - production of new sound material using portions, or samples, of previously made recordings.
- **WIPO Copyright and Performances and Phonograms Treaties Implementation Act**
- **WhoSampled** - site with comprehensive database of who that artist has sampled and how, and how that artist him/herself has been sampled.
- **Wax Tailor** - Group who uses movie clip samples
- **Hidden track**

Sampling in other contexts

[edit]

- **Appropriation (art)** - (Visual arts) often refers to the use of borrowed elements in the creation of new work.
- **Collage** - a work of visual arts made from an assemblage of different forms, thus creating a new whole.
- **Cut-up technique** - an aleatory literary technique or genre in which a *writing* is cut up at *random* and rearranged to create a new text
- **Found footage** - a method of compiling films partly or entirely of footage which has not been created by the filmmaker.
- **Papier collé** - a painting technique and type of collage.
- **Assemblage (composition)** - a method for creating texts by explicitly using existing texts.

Footnotes

[edit]

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- ↑ MC Hammer: Biography from Answers.com
- ↑ "Songwriter claims Hammer stole his song: sues him. (Muhammad Bilal Abdullah)". Jet. February 1, 1993.
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- ↑ Stillman, Kevin (February 27, 2006). "Word to your mother". Iowa State Daily. Retrieved 2009-02-13.
- ↑ Nick, Adams (2006). "When White Rappers Attack". *Making Friends with Black People*. Kensington Books. p. 75. ISBN 075821295X.
- ↑ *Grand Upright Music, Ltd. v. Warner Bros. Records, Inc.*, 780 F. Supp. 182 (S.D.N.Y. 1991), Superswell.com: "Horror Stories of Sampling"
- ↑ Staff reporter (2006-03-18). "Judge halts Notorious B.I.G. album sales". *USA Today*. Associated Press. Retrieved 2009-05-24."A judge halted sales of Notorious B.I.G.'s breakthrough 1994 album "Ready to Die" after a jury decided the title song used part of an Ohio Players tune without permission." (Archived by WebCite at <http://www.webcitation.org/5h1Fm1b0I>)
- ↑ http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1504982 Metall Auf Metall (Kraftwerk, et al. v. Moses Pelham, et al.) Decision of the German Federal Supreme Court No. IZR 11/206 Dated November 20, 2008, at 56 Journal of the Copyright Society 1017 (2009)

Further reading

[[edit](#)]

- Katz, Mark. "Music in 1s and 0s: The Art and Politics of Digital Sampling." In *Capturing Sound: How Technology has Changed Music* (Berkeley: University of California Press, 2004), 137-57. ISBN 0-520-24380-3
- McKenna, Tyrone B. (2000) "Where Digital Music Technology and Law Collide - Contemporary Issues of Digital Sampling, Appropriation and Copyright Law". Journal of Information, Law & Technology. Available online at:
- http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/2000_1/mckenna/?textOnly=true
- http://www.musiclawupdate.com/index_main.htm Challio, B (2003) The Song Remains The Same - A Review of the Legality of Music Sampling

External links

[[edit](#)]

- the-breaks AKA The (Rap) Sample FAQ, samples and their sources in all forms of music
- WhoSampled - a user-generated database of sampled music where all samples can be listened to side-by-side
- The Sample Clearance Fund: A proposal - a 1998 article about an attempt to legalize sampling; predates Creative Commons Sampling licenses of several years
- SCORCCIO Sample Replays - Professional sample replay producers; samples recreated to accurately replace any uncleared sample usage.
- samplefaq.net - an interactive Hip Hop Sample community



• [Sampletheory.net](#) - an interactive Hip Hop Sample Community

v · d · e		Appropriation in the Arts	[hide]
By field	In music	Appropriation (music) · Contrafact · Cover version · Interpolation (music) · List of musical medleys · Mashup (music) · Musical plagiarism · Musical quotation · Parody music · Pasticcio · Plunderphonics · Potpourri (music) · DJ mix · Quodlibet · Remix · Sampling (music) · Sound collage · Trope (music) · Variation (music)	
	Literature, Theatre	Assemblage (composition) · Cut-up technique · Hack (comedy) · Joke thievery · Pastiche · Trope (literature) · Found poetry · Verbatim theatre	
	Painting, Comics, Photography	Collage · Swipe (comics) · Comic strip switcheroo · Photographic mosaic · Combine painting	
	Cinema, TV, videos	Mashup (video) · Re-cut trailer · TV format · Found footage · Remake · Parody film	
Standard blocks and forms	Jazz standard · Stock character · Plot device · Dramatic structure · Formula fiction · Monomyth · Archetype · Stereotypes ·		
General concepts	Imitation (art) · Plagiarism · Reprise · Détournement · Adaptation (Film adaptation, Theatrical adaptation, Literary adaptation) · Source criticism in the arts · Parody · Quotation · Homage · Citation · Allusion · Derivative work · Bricolage · Assemblage (art) · Found art ·		
Related artistic concepts	Originality · Artistic inspiration · Affiliatus · Genius (literature) · Genre · Genre studies · Parody advertisement · In-joke · Tribute act · Fan fiction · Simulacrum · Intertextuality · Archetypal literary criticism · Readymades of Marcel Duchamp · Anti-art · Pop art · Aesthetic interpretation ·		
Epoch-marking works	<i>L.H.O.O.Q.</i> (1919) · <i>Pierre Menard, Author of the Quixote</i> (1939)		
Theorization	Mimesis · Dionysian imitatio · <i>De Copia Rerum</i> · Romantic movement · Modernist movement · Postmodern movement ·		
Related non artistic concepts	Cultural appropriation · Appropriation (sociology) · Articulation (sociology) · Trope (linguistics) · Academic dishonesty · Authorship · Genius ·		

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Categories: [Sampling](#) | [DJing](#) | [Plagiarism controversies](#)

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www.PrimeLoops.com

Virtual Instruments
 World class plug-in

Synth Zone

Samples & Sampling Resources

Sonar[®] provide a free YAMAHA C7 GRAND PIANO in Giga, Kontakt and Halion format. [Flame Studios](#) have some free guitar Gigasamples. [Wavosaur](#) is a very useful free Windows sound editor supporting wav and mp3 files as well as VST. [Video2mp3.net](#) provides free conversion of YouTube videos to MP3. [Audacity](#) is free digital audio recording and editing software for Win, Mac and Linux with VST support. See [Synth Zone's Soundfont Page](#) for links to sites providing .SBK files and related software.



Sampling & Sample Sites

<ul style="list-style-type: none"> • A1 Free Sound FX 	There are quite a few free sound FX available to download though they do sell their full collections.
<ul style="list-style-type: none"> • Abstract Beats 	Sell hip hop and urban sounds for Akai MPC and Triton in WAV format and also provide some free samples to download each month.
<ul style="list-style-type: none"> • AcidFanactic 	Provide Acid tutorials and sell commercial Sound Forge Acid file compatible CDs.
<ul style="list-style-type: none"> • Audiobulb 	Provide the ABulb VSTi softsynth, a Mac fractal tone generator and have some samples in WAV format to download.
<ul style="list-style-type: none"> • Audio Skull 	Provide bass, snare, scratch, vinyl and needle drop samples plus more in MP3 format. Very useful hiphop material.
<ul style="list-style-type: none"> • AVSound 	AVSound is an experimental DOS tool for producing unusual looped samples.
<ul style="list-style-type: none"> • AWE & PC Samples Page 	An archive of a past webpage. Samples include Roland 808 and 909 sets plus assorted synth samples.
<ul style="list-style-type: none"> • Bass Culture 	BC have a collection of breakbeat, bass, drum, effects and vocal samples available for download.
<ul style="list-style-type: none"> • Beatmatch.info 	Provide high quality WAV & AIFF free loops for producers looking for cool sounds.

Virtual class plug in
virtual instruments
www.vi2.com

Get Tons of Free Samples
Try New & Exciting Products.
Absolutely No Cost to You!
www.sampleville.com

Business Plan Template
With My Fill-In-The-Blanks Template
Personalize, Print and You're Done!
Growthink.com/Busin...

• Beatmatch.info	sounds.
• Bluesynths	Samples, reviews, pictures and info from a wide variety of vintage synths.
• Crowley's World	A selection of 14.1kha synth & drum samples, breakbeats & vocals available for download with Real Audio auditioning.
• Blue Distortion	Blue Distortion provides sound samples from old school synthesizers like the Moog Modular, Emu Modular and the Prophet 5.
• Deltaz-palaze.de	Sound resource and archive site for soundprogrammers ! Download lots of samples for royalty free use.
• DJMixSource.com	Sample packs to download containing WAV files.
• Doru Malaia World	Sells sample CDs as well as providing a wide range of free samples to try out.
• Drum/Rhythm Track Resources	My page here at Synth Zone covering drum samples, grooves & breaks, midi drum patterns etc.
• Edge City Sound Vault	Archive of a past site with industrial samples & loops.
• Electric Zoo - Animal Noises	Well, you never know when you may need one of these ..
• F@ctory 42	A collection of loops listed by instrument (includes synths & drums) and are available in Real Audio & MP3 formats.
• Findsounds	Findsounds.com provides a search engine to find samples online.
• Flash Kit SoundFX	A selection of sound FX samples to download in WAV and MP3 formats.
• FreeAcidLoops.com	Make some Acid loops available for download.
• FreeLoops.com	Sample loops for Rock/Pop, Hip Hop, House, Latin music production and more. They sell loop packs but also provide loops to download as MP3 and WAV files.
• Funk Station	Funk-Station is an online resource for Electronic artists. You can find free audio samples, Tutorials and Refills for Propellerhead's "Reasur" software.
• Gigasampler - Worra's Place	Provides some free Gigasampler sounds to download plus a message board for Gigasampler users.
• Gigasampler Users Site	A very useful site for Gigasampler owners, with info & sounds for Gigasampler as well as related coverage of hard drives, sound cards, editors plus more.
• Glooped	Has downloadable guitar loop samples.

<ul style="list-style-type: none"> • Hakachuka's Samples 	<p>An archive of a past site featuring heavy guitar and bass samples available as WAV files to download.</p>
<ul style="list-style-type: none"> • Hollow Sun 	<p>Descriptions of a number of vintage synths with some sound samples to download.</p>
<ul style="list-style-type: none"> • HuMaNwOrksHoP 	<p>Has instrument samples, drum samples and FX available for download.</p>
<ul style="list-style-type: none"> • Internet Synthesizer 	<p>Create audio samples via forms from your Internet browser. An explanation of the settings is provided.</p>
<ul style="list-style-type: none"> • Jim Dooley - Free Loops 	<p>Jim provides some original Drum, Guitar, Bass and Hip Hop loops for you to download. Also Soundfonts.</p>
<ul style="list-style-type: none"> • J.P. Hovercraft's Mellotron Samples 	<p>Back online and once again presenting multisamples from the classic Mellotron, a very early analog tape loop based sample playback keyboard, used in many recordings during the '70s</p>
<ul style="list-style-type: none"> • Killer Beats 	<p>Have an archive of beats and synth sounds etc. in MP3 format. Free registration required for entry.</p>
<ul style="list-style-type: none"> • KB6 	<p>An excellent source of free drum samples from vintage keyboards and drum machines.</p>
<ul style="list-style-type: none"> • KVR Audio Forums 	<p>Some great forums for samples and sampling from KVR Audio which is also an excellent source for VST plugins.</p>
<ul style="list-style-type: none"> • Little Drummer Boy 	<p>Master-Zap generously provides his shareware Windows rhythm/groove creation software which uses any WAVs or Stomper sounds as drum instruments.</p>
<ul style="list-style-type: none"> • Loopasonic 	<p>Drum, bass, guitar & synth samples & loops to download. Synth samples multisampled for a 5 octave range.</p>
<ul style="list-style-type: none"> • Looper's Delight 	<p>A website & mailing list dedicated to the art of building cool audio loops.</p>
<ul style="list-style-type: none"> • Looperman 	<p>Has a good selection of loops and samples to download.</p>
<ul style="list-style-type: none"> • Machine Noise 	<p>Blackstrobe provide machine noise samples (blips, clicks, squeaks etc).</p>
<ul style="list-style-type: none"> • Matrix-12 Resource Center 	<p>Includes many WAV samples of patches from the Matrix 12 synthesizer.</p>
<ul style="list-style-type: none"> • MEMI Makers 	<p>A German electronic music site with a collection of bass & drumkit samples taken from a number of different synths. Drumloops are also available for download.</p>
<ul style="list-style-type: none"> • Musical Drugstore 	<p>Musical Drugstore offers a large selection of samples covering all areas from drum kits to synths and FX.</p>

<ul style="list-style-type: none"> • Modarchive.com 	A wide range of synth samples available to download.
<ul style="list-style-type: none"> • Music Machine's Samples 	Good collection of samples from a variety of well known synths and drum machines.
<ul style="list-style-type: none"> • Oberheim Synth Sounds 	HollowSun provide OB8 sounds in WAV, Akai, Gigasampler and Reason formats.
<ul style="list-style-type: none"> • Ol' Scratch Recordings 	Present an archive of synth samples in MP3 format as well as some tips on synth programming and home recording.
<ul style="list-style-type: none"> • Patternbased.com 	Sell sample CDs and also have some beats and loops available for download.
<ul style="list-style-type: none"> • Phatso's Place 	Free funky drumloops and samples.
<ul style="list-style-type: none"> • Pinknoise Studio's Soundbank Page 	This site offers instrument samples in various formats. Hungarian and English options are available.
<ul style="list-style-type: none"> • Planet Superwavs 	MP3 samples for fast download but retaining quality. Includes drum loops & analog samples plus a link to Winamp for MP3->WAV conversion for use in your sampler.
<ul style="list-style-type: none"> • PowerFX 	Develop sample CDs and also have an online database of sounds.
<ul style="list-style-type: none"> • Professor Kermit 	The Professor presents his demented audio textures in wav and Real Audio formats.
<ul style="list-style-type: none"> • Pyraplasic Records 	Pyraplasic Records provide free samples & breakbeats in ADPCM format and some breakbeat creation advice. Good for Drum 'n Bass fans.
<ul style="list-style-type: none"> • Reactor Samples 	Reactor provide some free sample sets including a Tom DeLonge Stratocaster, Tablas, Tamborine and Handclaps.
<ul style="list-style-type: none"> • Red Faux Samples Page 	Some drum grooves & also some synth samples from Red Faux which also has a discussion & midi basics page.
<ul style="list-style-type: none"> • Recycle Loops & Samples 	Propellerhead's make Recycle for recycling beats and provide some sample to download.
<ul style="list-style-type: none"> • ReMixer 	Offer drum loops in MP3 format to download.
<ul style="list-style-type: none"> • Rhythm-Lab 	Offer free samples to download including synth samples and more.
<ul style="list-style-type: none"> • Sample Arena 	A sampling resources site that also produces commercial CDROM disks of WAV and SF2 samples as well as making free samples available.
<ul style="list-style-type: none"> • Sample Library 	SampleLibrary.net supply a good selection of synthesizer samples for you to download.

<ul style="list-style-type: none"> • Samples4u 	Has bass, drum, synth sample loops in various styles available for download.
<ul style="list-style-type: none"> • SampleNet 	This site from FutureNet provides a very good archive of synth and electronic drum samples to download.
<ul style="list-style-type: none"> • SampleOfTheDay 	Shares an audio sample each day.
<ul style="list-style-type: none"> • Samplepoolz 	German online magazine dedicated to audio sampling. Samplepoolz provides reviews of sample CDs as well as an extensive links database. English and German language options available.
<ul style="list-style-type: none"> • Samplez.de 	This site offers free samples to download in a variety of instrument categories. German language option only.
<ul style="list-style-type: none"> • SampleSwap 	Free professional quality audio samples. AIFF/WAV collection is currently 4.6 GB (7,579 sounds) including 1,420 drum loops, 950 drum hits, 874 sound effects, 581 instrument samples, 29 multi-sampled instruments, 579 vocal samples, 440 melodic loops, and 219 apple loops.
<ul style="list-style-type: none"> • SaMplisT 	This site is devoted to grooves & breakbeats, plus keeps links to relevant software.
<ul style="list-style-type: none"> • Sealed's Deep Synthesis Page 	Provides info on a number of classic synth plus has some samples of them to download.
<ul style="list-style-type: none"> • SimplyTheBest Sounds 	A collection of FX sounds in WAV, MP3 and AIFF formats.
<ul style="list-style-type: none"> • SonicHound 	WAV sample packs of drum and synths sounds are available to download.
<ul style="list-style-type: none"> • SoundDogs.com 	Sell sound effects and royalty free music for film productions. They provide MP3 preview samples of all their sounds that you can download.
<ul style="list-style-type: none"> • Sound Effects 	Sound Resource Site. Tons of links to free sound effects sites and places to find sound effects.
<ul style="list-style-type: none"> • Sound America 	Good list of multimedia .WAV files (sound fx, TV & movie clips etc).
<ul style="list-style-type: none"> • Sound FX Page 	A select list of classic sound fx eg. gun shots, car noises, laughs, clocks etc.
<ul style="list-style-type: none"> • SoundSnap 	
<ul style="list-style-type: none"> • Sounduser CD reviews 	A Sample CD review site with reviews for you to check out.
<ul style="list-style-type: none"> • Soundwave's Samples 	Synth samples. Various sample rates from mod tracker up to 16bit 44K. The first links in the index section don't work but the SiteA links to the sample packs lower on the page work fine.
<ul style="list-style-type: none"> • SSEYO Samples 	A large collection of MP3 samples and loops in various styles.

• SAC TO Samples	A large collection of MIDI samples and loops in various styles.
• Synthesis	Soft synths, wavetable synths, sampling and other related info. Also now featuring online calculators for digital music.
• The Cheatmen	Royalty free pads and Rhodes samples to download in .MP3 file format.
• The Zone	Originally Chris's Guitar Sample Site. A good collection of guitar sounds, chords and riffs in WAV format to download.
• Top 100 Audio Sites	Links to audio sites offering samples to download.
• VIP Zone	Sell commercial multisamples in SF2 format and also provide free samples in WAV format to download.
• Virtual Bass Player	Provides free high quality single shot sample sets and loops played on a variety of basses including Alembic and Carvin.
• Waysamples	A collection of bass and drum samples to download.
• WD-1 DJ Trainer	DJ trainer to match beats to loops. An online musical instrument with 10 professional soundbanks. Make your own club, dancemusic, trance, reggae or even jazzdance and samba.
• Xelenig	Provide a good list of links to soft synths, effects plugins and samples.
• Yahoo's Samples & Sampling Links	Yahoo is worth checking for new samples & breakbeat sites online.
• Zlogus Loops	Guitar loops and samples in .WAV, .OGG and .MP3 formats. Includes single shot chords and clean/distorted loops.

Sampling Related Software

• Acid Music	Sonic Foundry's Acid Music provides advanced loop editing capabilities for digital audio production. Also see AcidFanatic for links to Acid resources.
• ATRip	ATRip is Windows CD audio ripper software from Voice Crystal designed for sampling musicians.
• Awave - FMJ Software	Author of the audio format converter Awave for Windows This is a great tool for any PC & sampler owner. Huge list of supported formats including Midi, SDS Dump, Akai, .SND files and much more.
• Cool Edit	A very capable wave editor for Windows.
• Digidesign	Makers of Sample Cell sample RAM hardware for the Mac & PC. New PCI See Support for support & software updates.

<ul style="list-style-type: none"> • D-SoundPro 	<p>Professional shareware sound editor for the Mac. Supports AIFF & midi standard sample dump. Demo version can be downloaded for a 15 day trial period.</p>
<ul style="list-style-type: none"> • Extreme Sample Translator 	<p>Extremo Sample Converter is a multifunctional audio program, browser, player, and program editor with advanced conversion between different sample formats. It supports most sample formats including Giga, Akai, SoundFont and Halion. Also provides an autolooping function.</p>
<ul style="list-style-type: none"> • Gigasampler 	<p>Sick of trying to loop sampled instruments ? Nemesys present software polyphonic sample playback for Win95 that supports samples up to 2 GB in size. See Sonic Control Gigasampler Users Network and the Gigasampler Users Site for more info & support, as well as Worra's Place which has sounds and a message board for Gigasampler users. Also check Glasstrax for sampling tips and Bigga Giggas sample CDs. AudioHeadz also provides sample packs in Gigasampler format. There is also a Yahoo Nemesys Group for discussion of Nemesys products.</p>
<ul style="list-style-type: none"> • GoldWave Digital Audio Editor 	<p>Another very good Windows audio editor</p>
<ul style="list-style-type: none"> • GrooveMaker 	<p>Real time remixable groove-generator using random combinations of loops using pre-arranged studio-ready sample collections. Includes Techno, Trance, Dub, Progressive Hardcore, House, Jungle etc. Also see Virtual Synth Arpeggiator and the virtual DJ V-Mix software. And now new sample libraries just available for the GrooveMaker, the IG Interactive-Groove series.</p>
<ul style="list-style-type: none"> • Infinity 	<p>Antares presents DSP looping tools for the Mac. Highly rated in reviews, Infinity takes all the pain out of finding/creating that seamless loop. A very unique product.</p>
<ul style="list-style-type: none"> • Mellosotron 	<p>Software sampler for Windows. Download free to try it out. Turn's any WAV file into an instrument you can play from your midi keyboard.</p>
<ul style="list-style-type: none"> • Mixman Studio 	<p>Presentation software that allows you to build & mix a CD audio track. Libraries of source material available including hip hop, dance & techno etc. Great for DJ mixes and includes tempo matching and more. Demo available. Also see Mixlab.</p>
<ul style="list-style-type: none"> • Rramm Drrumm 	<p>An archive of Sisusoft's freeware Rramm Drrumm for Windows is a dedicated tool for playing drum (and any other one-shot stereo) samples via MIDI. It can be used as a drum machine with a sequencer.</p>
<ul style="list-style-type: none"> • SampleCalc 	<p>UCSoft presents their shareware Win9X program to perform calculations on sample rate to BPM and vice versa. Also includes a time/tempo sample stretch rate calculaor.</p>
<ul style="list-style-type: none"> • Sampler 	<p>A Midi/SCSI transfer utility for the Mac that supports MIDI Sample Dump Standard.</p>
<ul style="list-style-type: none"> • Sample Tank 	<p>Windows software that provides all the features of a hardware sampler. 100's of sounds available.</p>

<ul style="list-style-type: none"> • Sample Wrench 	<p>Dissident's sound sample editor which supports SDS, SMDI and other samplers. Available for Windows 95/NT and Amiga.</p>
<ul style="list-style-type: none"> • SMIDI 	<p>SMDI is able to exchange samples between your Mac and your SCSI equipped Sampler.</p>
<ul style="list-style-type: none"> • Sound Forge 	<p>Sonic Foundry's Sound Forge sample editor (demo available) Available for the PC, with full plugin support this is a heavyweight sample editing application and a must to check out. Now includes CD mastering facilities.</p>
<ul style="list-style-type: none"> • Translator 	<p>Sample Translator will convert between many different sample file formats including Akai, Roland, EOS & Kurzweil. Some restrictions still apply on which conversions are available.</p>
<ul style="list-style-type: none"> • Tuareg 	<p>A Win9x software device called "interactive phrase sampler". Demo available for download. It is a sequencer/loop-composer/remixer that creates tracks out of the loops, samples and short sounds you feed it.</p>
<ul style="list-style-type: none"> • Unity DS-1 	<p>A full featured software sampler for Win95 and Mac platforms.</p>
<ul style="list-style-type: none"> • Wave Extractor 	<p>Wave Xtractor is a handy Windows audio tool which lets you extract RAW sound data (.Wav) from popular File formats including Sound Font 2, Korg PA and Yamaha Tyros series.</p>
<ul style="list-style-type: none"> • Wave Surgeon 	<p>Wave Surgeon for Win95 is a breakbeat splitting and loop finding tool , which allows you to change a breakbeat's pitch without changing speed + vice versa.</p>
<ul style="list-style-type: none"> • Wavosaur 	<p>Wavosaur is a free Windows sound editor, audio editor, wav editor software for editing, processing and recording sounds, wav and mp3 files. Has VST and Asio support.</p>
<ul style="list-style-type: none"> • Xloop Converter 	<p>Free Windows sampling calculator. Enter one field: BPM, number of samples, number of bytes or duration and Xloop Converter will calculate the other fields.</p>
<ul style="list-style-type: none"> • Zero-X Seamless Looper 	<p>Windows software with SCSI support for creating sample loops.</p>
<ul style="list-style-type: none"> • Zero-X Groove Editor 	<p>Atari software with SCSI support for creating drum grooves. Support for AKAI S900 & up, Ensoniq EPS & up, EMU, GEM, Kurzweil K2000 & up, Roland S7xx, Yamaha and any sampler that supports Standard MIDI Sample Dump.</p>

[Back to Synth Zone homepage](#)

If you have any questions post them on on the [Synth Zone Discussion Page](#)
 Presented by Nigel Spencer nigelsp@synthzone.com
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To: Beatport, LLC (lmk@bhgrlaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85396824 - SOUNDS TO SAMPLE - 93020.00010
Sent: 9/15/2011 6:02:44 PM
Sent As: ECOM107@USPTO.GOV
Attachments:

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

**USPTO OFFICE ACTION HAS ISSUED ON 9/15/2011 FOR
SERIAL NO. 85396824**

Please follow the instructions below to continue the prosecution of your application:

TO READ OFFICE ACTION: Click on this [link](#) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

RESPONSE IS REQUIRED: You should carefully review the Office action to determine (1) how to respond; and (2) the applicable [response time period](#). Your response deadline will be calculated from **9/15/2011** (or sooner if specified in the office action).

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System [Response Form](#).

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

Failure to file the required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.