A COLLABORATIVE WHITE PAPER

Closing the Gap Between Knowing and Enforcing

Turning unlicensed use from a sunk loss into a recoverable asset.

Zeal finds the use and records the infringement. **PIPE** (Proactive Intellectual Property Enforcement) converts that record into a demand and a recovery. Prepared for General Counsel, Chief Compliance Officers, and music executives.

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1. Executive Summary

Many large companies use intellectual property they have not licensed. Most rights holders already know it. What they do not have is a reliable way to move from a suspicion to a payment.

Awareness is seldom the obstacle. Brand, legal, and licensing teams usually suspect the use long before they do anything about it. What holds them back is practical. The evidence may not survive a challenge. The finding never reaches the person with authority to act. And enforcement is budgeted, and viewed, as a cost.

Our position

Forensics (infringement detection) and enforcement (demand + recovery) each fall short alone. Detection without enforcement produces reports that are not acted on. Enforcement built on weak evidence produces demands that fail when contested. Run as one process, infringement becomes a revenue-bearing opportunity – a claim the rights holder can pursue, rather than a loss it absorbs.

Why this is happening now

- Technology. Content-matching can now find unlicensed use at scale, including cropped, remixed, and short-lived posts. The same tools that generate derivatives also make detection affordable.
- Sound-on economics. On TikTok, sound is not incidental to the format. As reported by *TikTok for Business*, in research it commissioned from Kantar, 88 percent of users describe sound as essential, and 73 percent say they will stop for an advertisement that has audio. The same

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reporting states that sound-on advertisements on TikTok lifted purchase intent and brand favorability. That reported incentive is consistent with the volume of commercial posts.[1]

- Law. Under the United States Copyright Act, for registered works, statutory damages, willfulness enhancements, and fee-shifting make a documented claim worth pursuing. The Supreme Court's 2024 decision in *Warner Chappell Music, Inc. v. Nealy* also removed the comfortable assumption that damages stop at a three-year look-back from time of suit.
- The defendants. The faster-growing book is not the offshore counterfeiter. It is the solvent brand, the franchise system, and the paid influencer.

Next step

We invite General Counsel, Chief Compliance Officers and music executives to commission an IP exposure assessment, with no obligation. It identifies where protected assets are being used without a license, estimates the potential value of that unauthorized use, and flags which claims are ready for enforcement.

2. The Risk Landscape

Unlicensed use of music (musical compositions and sound recordings) now shows up in the marketing of well-known companies. It is no longer limited to fringe players.

More channels, more exposure

Each new sales and marketing channel adds a place where music can appear without a license.

- E-commerce marketplaces and third-party sellers, operating across large catalogs.
- Direct-to-consumer and social commerce, where brands publish thousands of short-form posts a month, often through agencies and paid influencers, in a format that rewards sound-on creative.
- Franchise and local-property accounts, which publish under the brand without a single clearance desk.
- AI-generated derivatives, which can reproduce a protected style, likeness, or work quickly and cheaply.

Why sound-on use keeps growing

The commercial reason is no longer anecdotal. As reported by *TikTok for Business*, and summarized by *Social Media Today*, research TikTok commissioned from Kantar found that sound is part of the experience, not an optional layer. Eighty-eight percent of TikTok users said sound is essential to the platform, and 73 percent said they will "stop and look" at an advertisement that uses audio -- a higher share than on other major platforms.

The same *TikTok for Business* write-up, in its Japanese publication of that study, reported lifts of about six percentage points in purchase intent and about nine percentage points in brand favorability, and described TikTok as the only platform on which ads with audio moved both. A later *TikTok for Business* creative guide cites the same Kantar cross-platform work for the "stop and look" finding and the two-

[1] TikTok for Business partnered with Kantar on the role of sound in digital advertising. Reported findings: 88 percent of TikTok users said sound is essential to the experience; 73 percent said they would "stop and look" at ads with audio, a higher rate than on other platforms; and TikTok was the only platform where ads with audio generated significant lifts in both purchase intent and brand favorability. See "TikTok Shares New Insights Into the Importance of Sound for Marketing Promotions on the Platform," Social Media Today, June 9, 2021; TikTok for Business, "Explore Royalty-Free Music in the Commercial Music Library," December 16, 2021.

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metric lift. The English trade summary confirms the direction of the lifts and does not restate the point estimates.[2;3] These figures describe why the use happens. They are not a market-size estimate, and they are not our data.

Three operating habits follow from that incentive:

- Trending audio. Platform recommendation is weighted to specific sound IDs. A brand that attaches a current hit to a product video rides a distribution wave it would otherwise have to buy.
- Influencer accounts. Business accounts are often restricted to a limited commercial library. Creator accounts are not. Brands commission influencers to use a current recording, then republish the video on the corporate account and treat the creator's account category as a license. The account category does not supply one.
- Watch time. A familiar recording interrupts scrolling. Longer viewing is what ranking systems reward, so the unlicensed recording can increase both attention and distribution.

That is a rational commercial trade if the legal cost is not measured and historically not enforced by the rights holders.

A different kind of infringer

Counterfeiting by offshore operators remains a large problem. The OECD and EUIPO estimate that counterfeit goods accounted for about USD 467 billion of world trade in 2021, roughly 2.3 percent of global imports.[4] The faster-growing exposure for a recovery program sits with established companies whose content output has outpaced their licensing controls or those who simply perceive the potentially favorable engagement metrics such as visibility, virality, and cost per acquisition as justifying the risk. They are identifiable and solvent, and they are more likely to respond to a documented claim.

The *Kroger* complaint is the current illustration, not the exception. *Music Business Worldwide* reported on August 24, 2026 that Sony Music and affiliated labels sued The Kroger Co. and other Kroger entities in the Central District of California on August 21, 2026, alleging at least 392 unauthorized uses on corporate and paid-influencer accounts. The same report says Sony alleges at least 14 licenses from 2017 through 2025, notice as early as June 30, 2025, a refused tolling request, and new posts after notice. Those are allegations.[5] The pattern repeats across energy drinks, hospitality, beauty, footwear, cookies, and direct-to-consumer apparel. Please see Section 8 below for the record of these cases.

The detection gap. Most commercial use of music on social platforms is never checked against a rights holder's catalog. Two recent industry audits show the scale. Pex, a content-identification company, analyzed more than 19,000 posts from ten leading beauty brands and found music in 25 percent of the videos, rising to 30 percent on TikTok; more than half of the matches were to major-label catalog.[6] Trakr, a music rights recovery firm, reviewed more than 350,000 TikTok posts from over 1,000 brands across 18

[2] Purchase-intent and brand-favorability lifts of +6 and +9 percentage points, as published by TikTok for Business from the Kantar study: "Kantar report: how brands drive impact with sound on TikTok," TikTok for Business Japan, July 16, 2021. The English-language summary confirms the direction of the lifts but does not restate the point estimates. Treat the percentage-point figures as platform-reported.

[3] TikTok for Business, Creative Codes (May 2023), citing "TikTok Marketing Science US Cross-Platform Sound Research 2021 conducted by Kantar."

[4] OECD and EUIPO, Mapping Global Trade in Fakes 2025, press release, May 2025. Counterfeit goods accounted for about USD 467 billion of world trade in 2021, roughly 2.3 percent of global imports.

[5] Music Business Worldwide, "Sony Music sues Ralphs parent Kroger over alleged copyright infringement in social media ads," August 24, 2026. Complaint filed August 21, 2026, Sony Music Entertainment et al. v. The Kroger Co. et al., No. 2:26-cv-09358 (C.D. Cal.). Allegations only; the case is pending.

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months and found more than 32,000 posts with no clear evidence of a commercial music license, using more than 8,000 titles and drawing more than two billion views.[7] Neither study shows that every use was unlicensed, and each covers a small share of brand output. Both show volumes far beyond what manual review can reach.

Three features of the format keep most of this use out of view. Brands, franchisees, and paid creators publish continuously across several platforms. Instagram Stories leave the profile after 24 hours unless saved as a highlight,[8] so a use that is not captured that day is usually lost as evidence. And tracks are shortened, sped up, remixed, or covered with voiceover, which defeats simple matching. Platform tools do not close the gap. YouTube's Content ID handled more than 722 million claims in the first half of 2021,[9] but it works inside one platform and is designed to manage uploads there, not to build a damages claim against the brand that posted them.

3. Why Enforcement Has Failed

Rights holders rarely lack the will to enforce. Five gaps sit between knowing about the use and recovering for it:

The rights gap

A demand is only as strong as the claimant's title. Before anything goes out, the file needs the chain of title to each work, the copyright registration (which decides whether statutory damages and fees are available, 17 U.S.C. § 412), the underlying agreements that give the claimant the right to enforce, and a check against license and synchronization records so that permitted uses are excluded. These records are often spread across labels, publishers, and administrators, and assembling them late is a common cause of delay.

The evidentiary gap

A screenshot is not evidence a General Counsel can rely on. It does not record how it was captured, carries no timestamp that will withstand a challenge, does not prove who published the content, and does not establish how many uses occurred. Without those elements the claim remains an allegation, and opposing counsel will treat it as one.

The operational gap

Where forensic work is done, it is usually built to inform, not to support a demand. Dashboards report volumes. They do not produce exhibit-ready material tied to a legal theory. Enforcement teams then rebuild the record and attempt to recapture content that may already have been removed. A short-lived post that was available in the spring may no longer be available when a demand is prepared.

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[6] Pex, "Music proves problematic for top beauty brands on social media," March 6, 2025. Pex compared more than 19,000 posts from ten beauty brands against its music registry, regardless of licensing status, so the figures measure music matches rather than confirmed unlicensed use.

[7] Music Week, "Tracking down the music industry's missing millions in brand social feeds," September 18, 2026. The article is sponsored content created with Trakr, and the figures are Trakr's own TikTok research. The article notes that not every identified use was necessarily unlicensed.

[8] Instagram Help Center, "How long Instagram stories remain visible": stories "disappear from Feed, your profile and Direct after 24 hours" unless added as a highlight.

[9] YouTube Official Blog, "Access for all, a balanced ecosystem, and powerful tools," December 6, 2021, reporting more than 722 million Content ID claims in the first half of 2021.

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The economic gap

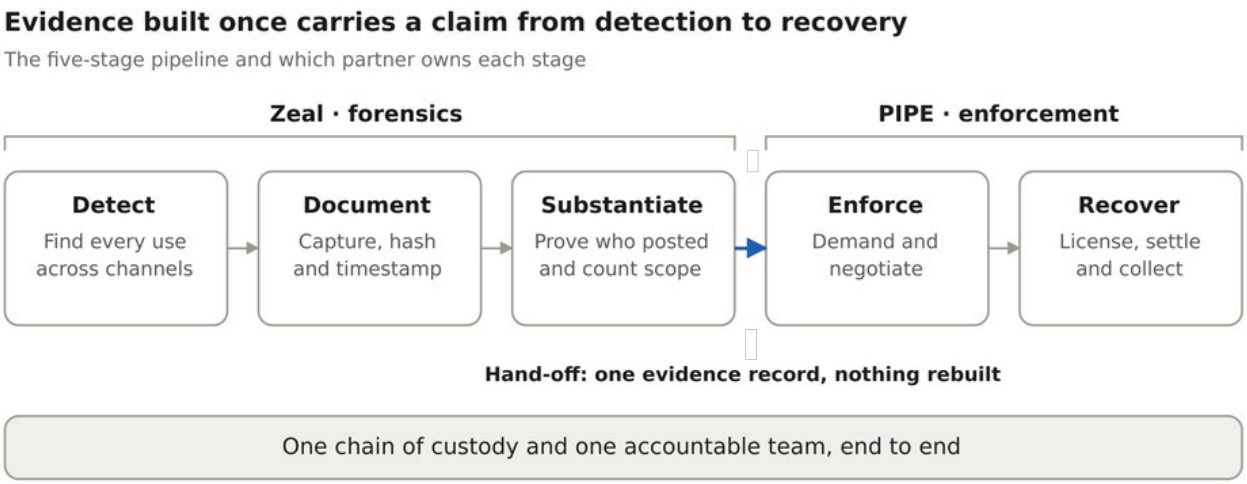
Enforcement is usually budgeted as legal spend. Outside counsel bills by the hour, outcomes are uncertain, and Finance sees a cost with no corresponding revenue. Inaction can then appear to be the rational budget choice. The loss of asset value does not appear in any report.

Fragmented vendors

Separate vendors for monitoring, capture, and legal action add a transfer at the point where the claim is most vulnerable. Chain of custody can break. No one party owns the recovery. Counsel may not know how the evidence was gathered, and so cannot defend it. The *Kroger* matter, as alleged and as reported, illustrates the cost of delay -- notice in June 2025, a filing in August 2026, and further posts in between. Rights holders with fewer resources seldom sustain an effort of that length.

4. The Integrated Model

The Zeal/PIPE collaboration runs detection and enforcement as a single process. Zeal handles detection, documentation, and substantiation. PIPE handles the demand and the recovery. The evidence record moves between them unchanged, under one chain of custody.



In a fragmented arrangement, the transfer is where value is lost. Evidence is recaptured, context disappears, and time passes. Here, captures are made on the assumption that they may become exhibits. Counts are made on the assumption that they may set a damages figure. Attributions are made on the assumption that they will determine who receives the demand.

5. Zeal: The Forensics Engine

General Counsel will not act on evidence they cannot defend. Zeal's role is to make each finding defensible before anyone relies on it.

Methodology. Zeal's process runs in four stages.

- **Detection.** Zeal begins with the rights holder's catalog. Every recording is identified together with its ISRC, ownership record, and license data, so each later match is tied to a work the client controls and can be screened against existing licenses. Monitoring systems then run around the clock across social media channels and the open web, aimed at specific commercial accounts. New catalog acquisitions are added every month.
- **Matching.** Audio from each qualifying captured post is fingerprinted with the same method used for the catalog and compared against the full library. Zeal extends established fingerprinting

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techniques with its own multi-feature analysis of the recording's unique identification. Every result is scored and placed in a high, medium, or low confidence tier.

- **Provenance.** Who published the use, on which account, on what date, and under whose commercial control: brand, subsidiary, franchisee, agency, or paid influencer. This is the step that turns a sighting into a claim against a party that can pay.
- **Scope.** A defensible count of unique uses, works, accounts, and time periods. Scope drives the value of the claim. An opposing expert must be able to reproduce it.

Chain of custody. Every catalog recording and every captured file receives a SHA-256 cryptographic hash, so any later alteration can be detected. Each match is recorded with its discovery time in UTC, a screenshot of the page, an independently archived copy, and a side-by-side spectrogram of the client's recording against the captured audio. The file also records the post's views, likes, and shares, and any advertising running against it, because those figures bear on damages. Each match produces its own evidence report, and every record is kept in a single database from capture through production.

That approach follows the direction of the federal rules. Since December 2017, Federal Rule of Evidence 902(14) has allowed copied electronic data to be authenticated by the certification of a qualified person that it was verified by a process of digital identification; the Advisory Committee notes say that process will ordinarily be a hash value.[10] Since December 2023, Rule 702 has required the party offering an expert to show, more likely than not, that the expert's opinion reflects a reliable application of reliable methods.[11] Documented, repeatable methods are what make that showing possible.

False positives. High-confidence matches pass through a machine-learning filter that removes common false matches. Medium-confidence matches go to an analyst, who reviews them within two business days. Low-confidence results are not pursued. Every match is also checked against the client's license records, so permitted uses drop out before anyone drafts a demand, and the false-positive rate is reported to the client every month. Human review matters at scale. YouTube reported that fewer than 1 percent of its Content ID claims in the first half of 2021 were disputed, yet more than 60 percent of the disputes it resolved went in the uploader's favor.[12] A small error rate still produces a large number of wrong claims at high volume, and a demand program cannot afford them.

Differentiators. General brand-monitoring tools are built to report mentions and trends. Zeal is built to produce a claim. The catalog side is fingerprinted without waiting for the rights holder's own recordings and license data, and the same proprietary method is applied to every captured post. Short-lived formats such as Stories and Lives are captured while they run. Each match yields an evidence report that already contains the inputs for a damages estimate. And a settlement ledger ties each recovery back to the finding that produced it, so the program can be measured on what it returns.

[10] Fed. R. Evid. 902(14), effective December 1, 2017, and Advisory Committee note; see Forensic Focus, "New Federal Rule of Evidence to Directly Impact Computer Forensics and eDiscovery Preservation Best Practices." The certification must meet the requirements of Rule 902(11) or (12).

[11] Fed. R. Evid. 702, as amended effective December 1, 2023; see Sidley Austin, "An Amendment to Federal Rule of Evidence 702," December 2023.

[12] YouTube Official Blog, December 6, 2021, cited in note 9: fewer than 1 percent of Content ID claims were disputed in the first half of 2021, and more than 60 percent of resolved disputes were resolved in the uploader's favor.

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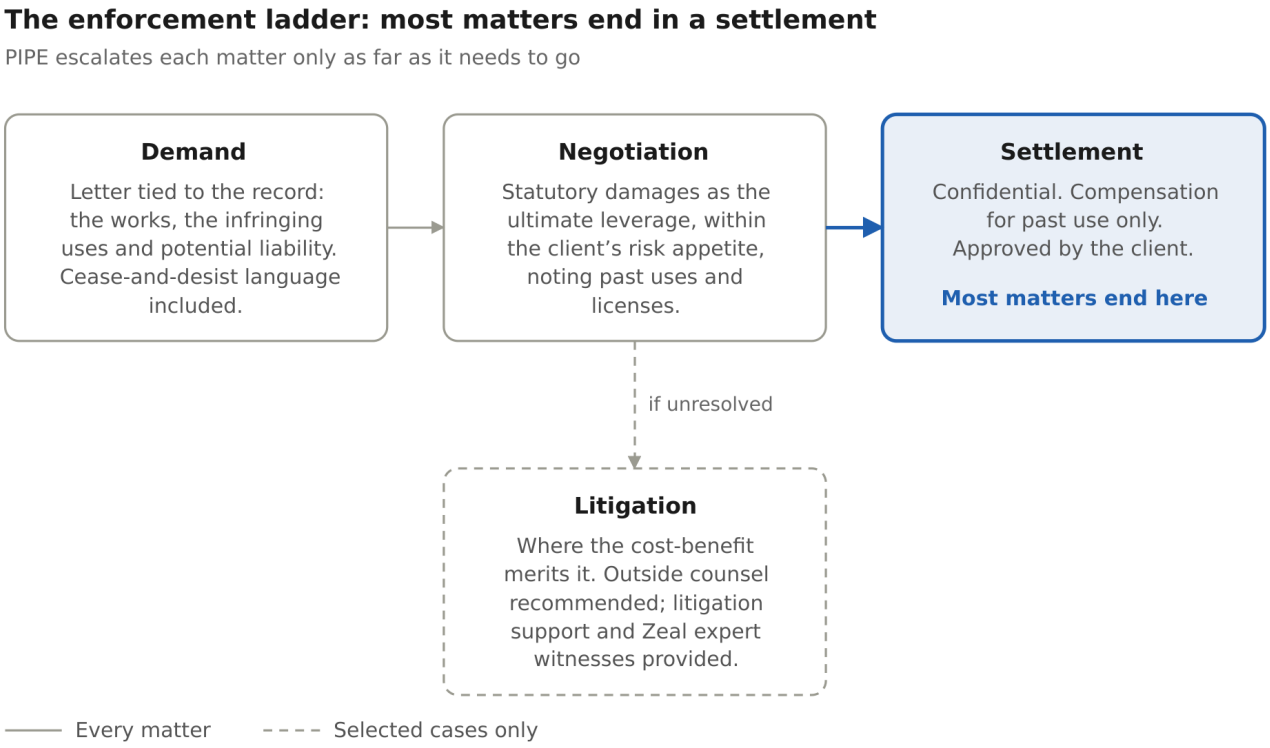
6. PIPE: The Enforcement Engine

PIPE's role is to show that detection leads to resolved claims and recovered value, in most cases without a filing.

The enforcement ladder



Protecting the relationship

The infringer may be a customer, a retailer, or a partner. Tone is adjusted to the counterparty. The client approves each escalation. Resolution stays confidential.

7. Why the Combination Is the Stronger Claim

Integration changes three things General Counsel are accountable for -- how quickly a claim moves, how much legal risk it carries, and whether it returns more than it costs.

- Speed. Evidence prepared for enforcement does not need to be rebuilt. The demand can go out while the content is still live, before deletions, account changes, or a limitations problem weaken it.
- Defensibility. A reproducible record lowers the chance of overstating the claim, naming the wrong entity, or challenging a use that was licensed. That protects the rights holder against counterclaims and a bad headline, and it strengthens the demand.
- Economics. Evidence is prepared once. Full scope captures uses no one happened to notice. Documented demands settle sooner, and more often.

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8. The Case Record

The major labels document at scale, give notice, negotiate, and file only when the posting continues. Most of these disputes ended by agreement. That is the outcome a rights holder should plan for. Allegations in pending cases have not been proved. Settlement terms, where a case closed, were generally not disclosed.

What the dockets actually hold

Matter	Use	What it established	Status
Sony v. Bang Energy, No. 1:21-cv-22825 (S.D. Fla.)	Brand videos and paid-influencer ads on TikTok and Instagram	Direct infringement, and vicarious liability for influencer videos. Fair use rejected.	Partial summary judgment, Sept. 14, 2022. Chapter 11 filed Oct. 10, 2022, on a different reported cause.
UMG v. Bang Energy, No. 0:21-cv-60913 (S.D. Fla.)	Promotional TikTok videos on the brand account, plus influencer posts	Direct infringement on the brand's own account. Influencer theories not decided on summary judgment.	Partial summary judgment, July 2022.
Sony v. Gymshark, No. 2:21-cv-05731 (C.D. Cal.)	Hundreds of songs in social ads and influencer posts	A social-first brand is a worthwhile defendant. Exposure was pleaded at statutory scale.	Dismissed with prejudice, January 2022. Terms not in the dismissal.
Sony v. Marriott, No. 1:24-cv-00598 (D. Del.)	931 songs alleged across corporate, franchise, and influencer posts	A parent can be pursued for a decentralized brand system, not only the flagship account.	Dismissed with prejudice, Oct. 8, 2024. Terms not in the dismissal.
Sony v. OFRA, No. 0:23-cv-62073 (S.D. Fla.)	Hundreds of videos: own posts, commissioned influencer videos, and reposted clips. Sony alleged at least 329 videos.	Reposting a creator video to the brand feed was pleaded as the brand's own infringement. No influencer was named.	Dismissed with prejudice, Jan. 2025.
WMG v. Crumbl, No. 2:25-cv-00316 (D. Utah)	Trending audio in TikTok, Reels, and review videos	Complaint pleads commercial use of trending audio as infringement.	Filed Apr. 22, 2025. Status not confirmed here.
Sony v. Designer Brands / DSW, No. 2:25-cv-07285 (C.D. Cal.)	Promotional videos, including affiliate and influencer posts	A preemptive declaratory suit did not end the claims. Sony counter-sued.	MBW reported a settlement in principle with Sony, August 24, 2026.[13]
Sony v. Kroger, No. 2:26-cv-09358 (C.D. Cal.)	392 identified uses; expired campaign posts; specific Instagram Stories cited.	Prior licenses and continued posting after notice pleaded as willfulness. Stories pleaded as infringing, with more alleged to be undiscovered.	Filed Aug. 21, 2026. Pending.
UMG and Concord v. Quince, No. 3:26-cv-03244 (N.D. Cal.)	Brand ads and sponsored creator videos on TikTok	Major and independent rights holders pleading direct, contributory, and vicarious claims against a DTC brand.	Filed Apr. 16, 2026. Pending.

Platform suits, such as Epidemic Sound v. Meta, are a different defendant and a different theory. They are not the book this collaboration is built to recover.

[13] Music Business Worldwide, "DSW reaches settlement in principle with Sony Music over music used in social media ads," August 24, 2026. Sony Music Entertainment et al. v. Designer Brands Inc. et al., No. 2:25-cv-07285 (C.D. Cal.). Notice of settlement in principle filed August 17, 2026. Terms not disclosed. The notice states the settlement is subject to negotiation and execution of a mutually acceptable agreement. https://www.musicbusinessworldwide.com/dsw-reaches-settlement-in-principle-with-sony-music-over-music-used-in-social-media-ads/

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Bang Energy: the platform library is not a license

Bang built a substantial part of its marketing on TikTok and Instagram, including paid influencers. *Reuters* reported that Sony's complaint alleged at least 286 videos, and that the court later found Bang liable for direct infringement in its own videos and vicariously liable for influencer videos, covering copyrights in more than 200 recordings, including recordings by Beyoncé, Bruce Springsteen, and Michael Jackson. *Reuters* also reported that Bang's fair-use defense did not succeed.[14] In the parallel UMG case, the court granted summary judgment for direct infringement on videos posted to Bang's own TikTok account. It denied summary judgment on contributory and vicarious claims aimed at influencer accounts: control was shown, a direct financial benefit was not, on the record then before the court.[15] The distinction matters. The file has to show control and benefit. Vital Pharmaceuticals, Inc., the company that sells Bang Energy and the defendant in both the Sony and UMG cases, filed Chapter 11 on October 10, 2022. The *Wall Street Journal* tied that filing to a Monster Beverage verdict of nearly USD 293 million, not to these copyright rulings. We do not link the two.[16]

Marriott: the franchise footprint is the brand's

Marriott's exposure, as Sony alleged, was not a single corporate handle. *Reuters* and *Music Business Worldwide* report that Sony identified 931 instances across hotels Marriott owns, manages, or franchises, and influencer posts. The plaintiffs dismissed *Sony Music Entertainment v. Marriott International, Inc., No. 1:24-cv-00598 (D. Del.)*, with prejudice on October 8, 2024. The dismissal does not state whether money was paid. Press descriptions of a settlement go beyond the filing.[17] The structural point is the allegation, not an undisclosed deal -- a parent can be named for a decentralized brand system. Local publishing is a scope problem, not a defense.

Kroger: expired licenses, stories, and willfulness

What follows is Sony's complaint, as reported by *Music Business Worldwide* on August 24, 2026, and as reflected in the filing itself (No. 2:26-cv-09358, C.D. Cal., filed August 21, 2026). Sony says it identified at least 392 unauthorized uses on Kroger accounts and on accounts of influencers paid to promote its brands, and named 19 Kroger entities. It alleges at least 14 prior licenses from 2017 through 2025, a 2020 holiday license for The Lovin' Spoonful's "Do You Believe in Magic" that ran only to December 31, 2020, and videos that stayed up after that date. It says notice began June 30, 2025, that it asked for a tolling

[14] Reuters, "Bang Energy's social-media ads violate Sony Music copyrights, judge says," September 15, 2022. Sony Music Entertainment v. Vital Pharmaceuticals, Inc., No. 1:21-cv-22825 (S.D. Fla. Sept. 14, 2022). Reuters reported that the court found direct infringement in Bang's own videos, vicarious liability for influencer videos, and that Bang's fair-use defense did not succeed. The 286-video figure in that report is the allegation, not the count in the holding. The holding Reuters reported covered copyrights in over 200 recordings.

[15] Loeb & Loeb, UMG Recordings, Inc. v. Vital Pharmaceuticals (July 12, 2022). UMG Recordings, Inc. v. Vital Pharmaceuticals, Inc., No. 0:21-cv-60913 (S.D. Fla. July 11, 2022). Summary judgment on direct infringement for videos on Bang's own TikTok account. Summary judgment denied on contributory and vicarious claims aimed at influencer accounts. The two Bang cases should not be collapsed into one holding.

[16] Jonathan Randles, "Maker of Bang Energy Drinks Files for Bankruptcy After Monster, Pepsi Litigation," Wall Street Journal, October 10, 2022, reporting a Chapter 11 filing after a jury verdict for Monster Beverage of nearly USD 293 million. Court notice: Vital Pharmaceuticals, Inc., No. 22-17842-PDR (Bankr. S.D. Fla.), cases filed October 10, 2022, Stretto notice. The copyright rulings are not the cause stated in that reporting.

[17] Reuters, "Sony Music ends US legal battle with Marriott over song use in ads," October 8, 2024. Sony Music Entertainment v. Marriott International, Inc., No. 1:24-cv-00598 (D. Del.), terminated October 8, 2024, on the plaintiffs' notice of voluntary dismissal. Docket: PACER Monitor. Music Business Worldwide, October 9, 2024, reports a joint request to dismiss with prejudice and notes that the court papers did not state whether the parties had settled: MBW. Reuters reported at least 931 songs, including influencer posts, and a statutory exposure figure above USD 139 million, which is the statutory ceiling, not a damages award.

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agreement, that Kroger refused, and that new posts continued as recently as August 12, 2026. It seeks statutory damages of up to USD 150,000 per work. The complaint also says the investigation is ongoing and that additional videos, including content posted for a limited time on Instagram Stories, Snapchat, and TikTok Stories, are likely still undiscovered. It does identify specific Instagram Stories as infringing, on the Mariano's and Murray's Cheese accounts among others, but it does not say whether those Stories are within the 392.[18] The same article reports a with-prejudice dismissal with Marriott in October 2024, a settlement with the University of Southern California in March 2026, and a settlement in principle with DSW in August 2026.

Limits of the public record

Public reports do not disclose the terms of the Gymshark, OFRA, or Marriott dismissals. A headline that uses "settles" does not establish that money was paid. A later shift to royalty-free audio, if a brand made one, is a commercial choice, not a fact in a judgment.

9. Why Now

Technology

Audio fingerprinting, perceptual hashing, and visual-similarity models can find a protected work among millions of posts, including altered copies. The complaints listed in Section 8 above describe counts built account by account. We do not describe a label's tools beyond what those filings and the reports of them say.

Law

In the United States, the owner of a registered copyright may elect statutory damages of $750 to $30,000 per work, and up to $150,000 per work for willful infringement. 17 U.S.C. § 504(c). The court may award costs and attorney's fees to the prevailing party. Id. § 505. Prior licensing, prior notice, and continued use after notice are relevant to willfulness. Statutory damages and fees generally depend on timely registration. Id. § 412.

The three-year look-back is no longer a safe planning assumption. In *Warner Chappell Music, Inc. v. Nealy*, the Supreme Court held that a timely claim is not subject to a separate three-year cap on damages. The Court assumed, without deciding, that accrual runs from discovery. If a label finds a 2020 influencer post in 2026, and the claim is timely, the damages window can run back to the day the video went live.[19] Continued availability of an older post is not harmless because engagement has declined. Continued hosting is itself a use.

Economics

Catalogs, design libraries, and image archives are bought, sold, and financed on cash flow. Unlicensed use reduces that income, and investors ask how it is managed. On the short-form channels where those

[18] Music Business Worldwide, August 24, 2026, cited in note 5; Complaint, Sony Music Entertainment et al. v. The Kroger Co. et al., No. 2:26-cv-09358 (C.D. Cal. filed Aug. 21, 2026), ¶¶ 10, 29, 67, and n.3. Paragraph 10 ties the 392 uses to Exhibit 1. Paragraph 29 says additional short-lived content is likely undiscovered. Footnote 3 and paragraph 67 identify specific Instagram Stories.

[19] Warner Chappell Music, Inc. v. Nealy, 601 U.S. 366 (2024). The Court held that the Copyright Act does not impose a separate three-year cap on damages for a timely claim. It assumed, without deciding, that the discovery rule governs accrual. See Oyez, Warner Chappell Music, Inc. v. Nealy.

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catalogs are actually heard, *TikTok for Business* has reported that sound-on advertising is what users stop for.[20] Unlicensed music in that format is a balance-sheet issue, not a brand-protection aside.

Governance

IP now reaches the board from two directions. A rights holder that fails to police its marks can weaken them. A company whose own marketing team is the infringer can be the defendant in the table above. The CCO needs a position on both.

10. The Objections

"This will make us look aggressive."

That risk comes from a heavy hand, not from enforcement. The client approves each escalation. Partnerships are more often harmed by a vague accusation that later proves wrong.

"The influencer chose the track."

The category of the account does not confer a commercial license. Brands have been sued for their own posts, for videos they commissioned, and for organic clips they republished. As *Reuters* reported, the Sony judgment against Bang reached paid-influencer videos. In the parallel UMG case, summary judgment was not entered on the influencer theories -- control was shown, and a direct financial benefit was not, on the record then before the court. A downstream indemnity in a creator agreement often does not answer the claim. The creator relies on the platform terms. The brand relies on the warranty. The rights holder names the brand.

"It was only a few seconds."

There is no duration safe harbor in the Copyright Act. If the clip is the heart of the work, brevity is not a defense. The Sixth Circuit's line on sound recordings, in *Bridgeport Music, Inc. v. Dimension Films*, was "Get a license or do not sample." That is a quotation from a Sixth Circuit opinion, not the law of every circuit. The Bang ruling, as reported, rejected fair use for short clips in product videos. That is the closer authority for this paper.[21;22]

"It was only a Story."

Section 112(a) is a narrow privilege for a transmitting organization already entitled to transmit the work, and it requires the copy to be destroyed within six months. A brand posting a promotional video on TikTok or Instagram is not that organization. We do not claim the statute contains the word "advertisement." A Story that leaves public view in a day can still sit in an account archive. The Kroger complaint cites specific Instagram Stories as infringing and says more short-lived content is likely still undiscovered.[23;24]

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[20] TikTok for Business, Creative Codes (May 2023), cited in note 3.

[21] Bridgeport Music, Inc. v. Dimension Films, 410 F.3d 792, 801 (6th Cir. 2005) ("Get a license or do not sample."). The opinion is quoted, not adopted as national law. The closer authority for social advertising is the Bang record, as reported by Reuters: short clips in product videos were not fair use.

[22] Reuters, September 15, 2022, cited in note 14.

[23] 17 U.S.C. § 112(a) is a narrow privilege for a transmitting organization already entitled to transmit a performance or display. It is not a general exemption for short-lived promotional video, and a brand posting on TikTok or Instagram is not a transmitting organization under the statute.

[24] Complaint, Sony Music Entertainment et al. v. The Kroger Co. et al., No. 2:26-cv-09358 (C.D. Cal.), ¶ 29 and n.3, cited in note 18.

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"The post is more than three years old."

Nealy rejected a separate three-year damages cap for a timely claim. The limitations period still governs when suit must be filed, and the Court did not finally decide the discovery rule. A compliance team that treats 2021 as closed is planning on a rule the Supreme Court has declined to adopt.[25]

"What about false positives?"

This is why forensics comes first. Thresholds, analyst review, and a screen for licensed or permitted uses keep weak matches out of any demand. Every match below the high-confidence tier is reviewed by an analyst, and the false-positive rate is reported to the client monthly. No claim goes to a counterparty until it is reasonably likely to withstand an opposing expert.

"How is this different from vendors we already use?"

Most vendors cover one slice -- a monitoring tool that generates alerts, or a firm that bills for letters. This collaboration covers the path from first capture to recovered funds, under one engagement, with one accountable team. Both partners are measured on what is recovered.

11. A Framework for Rights Holders

Most organizations are at the first stage. One stage forward delivers more than refining the current one.

Stage	How use is found	What happens next	How it is measured
1. Reactive	Tips, complaints, chance sightings	Occasional letters. Most findings dropped.	Legal spend
2. Monitoring	Vendor dashboards and alerts	Takedowns. Few monetary claims.	Number of takedowns
3. Recovery	Continuous detection, with provenance and scope	Staged enforcement to settlement	Net recovery. Time to resolution.

Pursue, license, or file

- Is the evidence ready? If provenance or scope is incomplete, finish the forensic work before anyone writes to the counterparty.
- Is the counterparty responding? Engagement after notice suggests a settlement. Silence, refusal, or continued use suggests escalation.
- Do the economics justify a filing? Litigation makes sense when registered works, a willfulness record, and a solvent defendant make the expected recovery clearly greater than the cost.

Useful governance, once the program is live -- a written enforcement policy, defined approval steps, recovery reporting to the audit or risk committee, and a register of licensed and unlicensed uses.

[25] Warner Chappell Music, Inc. v. Nealy, 601 U.S. 366 (2024), cited in note 19.

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Appendices

A. Methodology and evidentiary standards

Catalog fingerprinting. Zeal finds the client's works, metadata, ISRC codes, ownership records, and license data. Each identified work is fingerprinted and every fingerprint is checked before the system goes live. The library is version-controlled, and new acquisitions are added.

Catalog intelligence. Catalog records are also indexed for semantic search, so analysts and automated agents can query the catalog by meaning as well as by identifier. The index is refreshed monthly to include new titles and model improvements.

Monitoring. A process runs continuously across scoped social media accounts. Broadcast and streaming sources can be added by engagement.

Detection and scoring. Data is examined from each post, converted to a standard format, fingerprinted with the same method used for the catalog, and compared against the full library. Results fall into high, medium, and low confidence tiers. High-confidence matches pass through a false-positive filter; medium-confidence matches go to an analyst within two business days. Every scan, match, and decision is human inspected before delivery.

Evidence package. Each confirmed match produces a hash file of the captured audio, a page screenshot and an independently archived copy timestamped at the moment of discovery, engagement metrics, evidence of any advertising running against the content, and a chain-of-custody package formatted for counsel.

Operations and reporting. Monitoring runs autonomously, and the matching and scoring models are retrained over time. Clients receive a report covering matches found, notices filed, false-positive rates, and platform coverage; a quarterly review covering performance and damages estimates; and a monthly settlement ledger reconciling enforcement actions and recoveries to Zeal's findings.

B. Legal citations

- 17 U.S.C. § 106: exclusive rights. 17 U.S.C. § 504(c): statutory damages and the willfulness enhancement. 17 U.S.C. § 505: costs and fees. 17 U.S.C. § 412: registration as a prerequisite. 17 U.S.C. § 507(b): three-year limitations period. 17 U.S.C. § 107: fair use. 17 U.S.C. § 112: ephemeral recordings.
- Lanham Act remedies, 15 U.S.C. § 1117.
- Warner Chappell Music, Inc. v. Nealy, 601 U.S. 366 (2024).
- Bridgeport Music, Inc. v. Dimension Films, 410 F.3d 792 (6th Cir. 2005).
- Sony Music Entm't v. Vital Pharms., Inc., No. 1:21-cv-22825 (S.D. Fla. Sept. 14, 2022); UMG Recordings, Inc. v. Vital Pharms., Inc., No. 0:21-cv-60913 (S.D. Fla. July 11, 2022).
- Sony Music Entm't v. Gymshark Ltd., No. 2:21-cv-05731 (C.D. Cal.), dismissed with prejudice January 2022.
- Sony Music Entm't v. Marriott Int'l, Inc., No. 1:24-cv-00598 (D. Del.), joint dismissal October 2024.
- Sony Music Entm't v. OFRA Cosmetics, LLC, No. 0:23-cv-62073 (S.D. Fla.), dismissed with prejudice January 2, 2025.
- Atlantic Recording Corp. v. Crumbl, LLC, No. 2:25-cv-00316 (D. Utah), filed April 22, 2025.

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- Sony Music Entm't v. The Kroger Co., No. 2:26-cv-09358 (C.D. Cal.), filed August 21, 2026, pending.
- UMG Recordings, Inc. v. Last Brand, Inc., No. 3:26-cv-03244 (N.D. Cal.), filed April 16, 2026, pending.

C. Glossary

Term	Meaning
Chain of custody	The documented record of who collected, held, and transferred evidence, showing it was not altered.
Provenance	Proof of who published a use and which legal entity is responsible for it.
Vicarious liability	Liability for another party's infringement where one has the right to control it and benefits financially.
Contributory infringement	Liability for inducing or materially contributing to infringement, with knowledge of it.
Statutory damages	Damages set by statute for each work infringed, available without proving actual loss. US, registered works.
Willful infringement	Infringement with knowledge of, or reckless disregard for, the owner's rights. Can increase damages.
Discovery rule	Accrual when the owner discovers the infringement, or should have with reasonable diligence. Assumed, not decided, in *Nealy*.
Tolling agreement	A contract that pauses the statute of limitations so the parties can negotiate without the rights holder losing rights.
Master and sync	The two clearances a commercial video usually needs -- the sound recording, and the musical composition as synchronized to picture.

D. About Zeal

Zeal (Zeal Global Inc.) builds AI systems for legal and rights work. For music rights holders, Zeal provides IP forensics, monitors the major social and video platforms around the clock for commercial use of the catalog, and turns each confirmed match into a hash-verified evidence file ready for a demand or for litigation support. Zeal works with PIPE, which issues the demand and pursues recovery.

For more information: sales@zealdocs.com | https://zealdocs.com/zonics

E. About PIPE

PIPE (Proactive Intellectual Property Enforcement LLC) finds unauthorized uses of music and collects on them. Built by veteran music industry lawyers, PIPE is the rights-enforcement arm for catalogs, labels, publishers, rights organizations, and their counsel. AI-powered forensic detection is performed in collaboration with Zeal. PIPE issues the demand and pursues recovery, with litigation, if necessary, conducted through outside counsel. PIPE does not practice law.

For more information: hello@pipeco.ai | https://pipeco.ai

F. Sources

- Social Media Today, June 9, 2021, summarizing TikTok for Business research with Kantar. https://www.socialmediatoday.com/news/tiktok-shares-new-insights-into-the-importance-of-sound-for-marketing-promo/601569/
- TikTok for Business Japan, July 16, 2021, Kantar report on sound in TikTok ads. https://tiktok-for-business.co.jp/archives/7382/

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- TikTok for Business, Commercial Music Library, December 16, 2021. https://ads.tiktok.com/business/en-US/blog/audio-library-royalty-free-music
- TikTok for Business, Creative Codes, May 2023. https://ads.tiktok.com/business/library/Creative_Codes_May_2023.pdf
- OECD press release, Mapping Global Trade in Fakes 2025, May 2025. https://www.oecd.org/en/about/news/press-releases/2025/05/global-trade-in-fake-goods-reached-USD-467-billion-posing-risks-to-consumer-safety-and-compromising-intellectual-property
- Music Business Worldwide, Sony Music sues Kroger, August 24, 2026. https://www.musicbusinessworldwide.com/sony-music-sues-kroger-over-392-alleged-unauthorized-uses-of-its-recordings-in-social-media-ads/
- Music Business Worldwide, DSW reaches settlement in principle with Sony Music, August 24, 2026. https://www.musicbusinessworldwide.com/dsw-reaches-settlement-in-principle-with-sony-music-over-music-used-in-social-media-ads/
- Reuters, Bang Energy social-media ads violate Sony copyrights, September 15, 2022. https://www.reuters.com/legal/litigation/bang-energys-social-media-ads-violate-sony-music-copyrights-judge-says-2022-09-15/
- Loeb & Loeb, UMG v. Vital Pharmaceuticals, August 2022. https://www.loeb.com/en/insights/publications/2022/08/umg-recordings-inc-v-vital-pharmaceuticals
- Reuters, Sony Music ends Gymshark fight, January 26, 2022. https://www.reuters.com/legal/transactional/sony-music-ends-copyright-fight-with-gymshark-over-social-media-posts-2022-01-26/
- PACER Monitor, Sony v. OFRA, No. 0:23-cv-62073, dismissed January 2, 2025. https://www.pacermonitor.com/public/case/51187584/Sony_Music_Entertainment_et_al_v_OFRA_Cosmetics,_LLC_et_al
- Atlantic Recording Corp. v. Crumbl, LLC complaint, April 22, 2025. https://www.digitalmusicnews.com/wp-content/uploads/2025/04/warner-music-group-v-crumbl-2-25-cv-00316-complaint-april-2025.pdf
- PACER Monitor, UMG v. Last Brand (Quince), No. 3:26-cv-03244, filed April 16, 2026. https://www.pacermonitor.com/public/case/64166614/UMG_Recordings,_Inc_et_al_v_Last_Brand,_Inc_dba_Quince
- Oyez, Warner Chappell Music, Inc. v. Nealy, 601 U.S. 366 (2024). https://www.oyez.org/cases/2023/22-1078
- Reuters, Sony Music ends US legal battle with Marriott, October 8, 2024. https://www.reuters.com/legal/litigation/sony-music-ends-us-legal-battle-with-marriott-over-song-use-ads-2024-10-08/
- PACER Monitor, Sony v. Marriott, No. 1:24-cv-00598 (D. Del.), terminated October 8, 2024. https://www.pacermonitor.com/public/case/53610326/Sony_Music_Entertainment_et_al_v_Marriott_International,_Inc_et_al

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- Music Business Worldwide, Sony and Marriott dismiss, October 9, 2024. https://www.musicbusinessworldwide.com/sony-music-settles-lawsuit-against-marriott-hotels-over-alleged-rampant-infringement-in-social-media-posts/
- Wall Street Journal, Bang Energy Chapter 11 after Monster verdict, October 10, 2022. https://www.wsj.com/articles/maker-of-bang-energy-drinks-files-for-bankruptcy-after-monster-pepsi-litigation-11665446853
- Bankruptcy notice, Vital Pharmaceuticals, Inc., No. 22-17842-PDR (Bankr. S.D. Fla.), filed October 10, 2022. https://cases.stretto.com/public/x203/11958/CORRESPONDENCE/119581020225000000001.pdf
- Pex, “Music proves problematic for top beauty brands on social media,” March 6, 2025. https://pex.com/blog/music-proves-problematic-for-top-beauty-brands-on-social-media/
- Music Week, “Tracking down the music industry’s missing millions in brand social feeds,” September 18, 2026 (sponsored content with Trakr). https://www.musicweek.com/labels/read/tracking-down-the-music-industry-s-missing-millions-in-brand-social-feeds/095008
- Instagram Help Center, “How long Instagram stories remain visible.” https://help.instagram.com/1729008150678239/
- YouTube Official Blog, “Access for all, a balanced ecosystem, and powerful tools,” December 6, 2021. https://blog.youtube/news-and-events/access-all-balanced-ecosystem-and-powerful-tools/
- Forensic Focus, “New Federal Rule of Evidence to Directly Impact Computer Forensics and eDiscovery Preservation Best Practices” (FRE 902(13) and (14)). https://www.forensicfocus.com/legal/new-federal-rule-of-evidence-to-directly-impact-computer-forensics-and-ediscovery-preservation-best-practices/
- Sidley Austin, “An Amendment to Federal Rule of Evidence 702,” December 2023. https://www.sidley.com/en/insights/newsupdates/2023/12/an-amendment-to-federal-rule-of-evidence-702

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