

## May Someone Download a Song That Is in The Public Domain if The Songwriter Doesn't Give Permission?

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**Question:** Yankel wrote an original song. For whatever reason, the song is now readily available in the public domain and can be legally downloaded for free. Yankel, however, insists that he is not amenable to this arrangement and says that he doesn't give anyone permission to download it without payment. Is it permissible to download the song without his permission?

**Answer:** The Gemara (Bava Metzia 21b) cites a Beraisah that speaks about the case of "*zuto shel yam*". It says that if an object gets swept away by a tide, it becomes completely removed from the owner's possession. Even if he is standing there and exclaiming that he is not *meyd'esh* and that he plans on getting it back, it is no longer in his possession and anyone who finds it may keep it. The Gemara compares this to someone whose house fell down but he is screaming that it didn't fall down. He is simply in denial. It would seem that the same would apply in this case. If the song is readily available for free download, Yankel can no longer claim ownership and say that no one should download it without his permission.