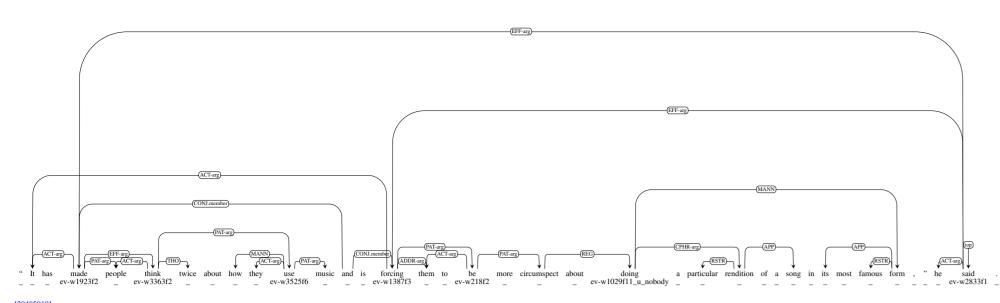
## Do

Pocument 0485
Singer Bette Midler won a \$ 400,000 federal court jury verdict against Young & Rubicam in a case that threatens ev-w3366f2
The decision in Los Angeles federal court stems ev-w3163f1  ADVS.member)  ADVS.member)  TFRWH  TO CONJ.member)
The ad agency had approached Ms. Midler about appearing ev-w115f1 ev-w829f1 _ ev-w829f1 _ ev-w2598f1  [20485004]
The agency then turned ev-w3469f15 to a former backup singer for Ms. Midler who appeared in the ad and crooned ev-w62f2 what was generally considered a more than credible imitation of Ms. Midler 's 1973 hit song " Do You Wanna Dance . " [20485005]
[20465005]
The appeals court held: "When a distinctive voice of a professional singer is widely known and is deliberately imitated in order to sell a product, the sellers have appropriated what is not theirs."  ev-w1601f2 ev-w288f2 rev-w288f2 rev-w288f2 rev-w288f2 rev-w218f2
The judge in the jury trial said there was insufficient evidence to hold Ford liable in the case .  ev-w2833f1 ev-w218f3 ev-w1601f1  [20485007]
In a statement , Young & Rubicam called the award "unfortunate but bearable . "  [20485009]  [ACT-arg)  [ADVS.member).DVS.member  [ADVS.member].DVS.member  [ADVS.member].DVS.
That is a property right that belongs to the performer . "
The award , although far less than the \$ 10 million , including punitive damages , that Ms. Midler sought ev-w2878f2 ev-w218f2 ev-w218f2 ev-w218f2   e
"One thing that is a little unnerving is that you had three old men on the court of appeals in California coming ev-w218f2 — e
Nonetheless , Mr. Kurnit said that the latest decisions are having a chilling effect .  ev-w2833f1 ev-w1566f6_u_nobody ev-w510f1



Joanne Lipman contributed to this article .

2