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## Big Mo's Blog



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**Marvin Gaye's Family Files Countersuit Against Robin Thicke & EMI** by Big Mo, posted Nov 1 2013 12:31AM

Everyone knew it was coming, but it was just a question when would the family of Marvin Gaye officially reply to Robin Thicke's preemptive legal strike and file a countersuit over his smash hit "Blurred Lines." What is new is that the Gayes are now claiming that the singer also illegally copied the legendary soul singer's "After the Dance" for his song "Love After War" as well as repeated copyright infringement throughout his catalogue.

[ALSO READ: [Robin Thicke, Pharrell, & T.I. Suing Marvin Gaye's Family & Bridgeport Music Over "Blurred Lines"](#)]

THR reports that legal papers filed by the family insists that Thicke had a "Marvin Gaye fixation" and he admitted to blatantly copying Gaye during interviews. They cite a GQ article as one example:

*Pharrell and I were in the studio and I told him that one of my favorite songs of all time was Marvin Gaye's 'Got to Give It Up.' I was like, 'Damn, we should make something like that, something with that groove.'*

The suit also provides a report by musicologist Judith Finell who argues that Thicke's "Blurred Lines" resembles Gaye's "Got to Give It Up" in signature phrase, vocal hook, backup vocal hook, and keyboard and bass lines.

In another surprising move, the family is also suing Sony/ATV's EMI April (which has business ties to both Thicke and Marvin Gaye) for breach of contract. The suit claims the publishing company failed to protect Gaye's music, attempted to intimidate the family to not file legal action, and tried to turn the public against them. They allege that EMI planted a false story in the media about the family [refusing a six-figure deal](#) to make them seem "unreasonable."

The Gaye family is asking that EMI lose all profits from "Blurred Lines" and any rights to administer Gaye's music in the future.

Thicke's lawyer responded to the countersuit with the following statement:

*Plaintiffs anticipated a baseless counterclaim for copyright infringement when they filed their original complaint for declaratory relief, so no surprise there. What is surprising in their press-release-disguised-*

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as-a-complaint (much of which will eventually be stricken by the court) is their acknowledgment that the Gaye family has no standing to bring a copyright claim. For this, they blame EMI, the administrator and registered copyright owner of the Marvin Gaye songs. Obviously, EMI, which is in the business of collecting substantial sums for actual infringements, regardless of the publishing affiliations of the infringers, consulted their own expert musicologists who gave the same opinion our 3 musicologists gave: The genres of the songs are the same, the notes are different. So whether or not plaintiffs are fans of Marvin Gaye is irrelevant; no infringement occurred here.

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