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MUSIC Marvin Gaye's Family Countersues Robin Thicke Over "Blurred Lines"

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BY [KYLE KRAMER](#) | OCT 30, 2013 | 11:26 PM | [PERMALINK](#)

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The line-blurring in the legal entanglement between **Robin Thicke** and **Marvin Gaye's** family over the copyright to "Blurred Lines" continues. After claims from Gaye's children that "Blurred Lines" ripped off Gaye's 1977 song "Got To Give It Up," Thicke, along with fellow songwriters **Clifford Harris (T.I.)** and **Pharrell Williams**, [sued the family as a pre-emptive measure](#). While critics had pointed out the similarity and Thicke had acknowledged Gaye's influence, the men pointed out in their suit that "being reminiscent of a 'sound' is not copyright infringement."

As anticipated, children Frankie Gaye and Nona Gaye have decided to sue back. [According to The Hollywood Reporter](#), the Gaye family is suing not only over the "Got To Give It Up"/"Blurred Lines" similarities, but also over a more broadly defined "Marvin Gaye fixation" on Thicke's part. They claim that his song "[Love After War](#)" also infringes upon the copyright of Gaye's "[After The Dance](#)."

Their suit quotes multiple critics who have made the comparison between "Got To Give It Up" and "Blurred Lines," and it also [draws on the testimony of musicologist Judith Finell](#), who claims that the two songs share a "constellation of eight substantially similar features"—including the main phrase, hook, keyboard parts, bass lines and percussion—in effect "far surpassing the similarities that might result from attempts to evoke an 'era' of music or a shared genre."

From there, though, things get even more complicated. The family is also suing EMI April, the Sony/ATV subsidiary that owns the publishing rights to both songs and, therefore, has an interest on both sides of the case. The Gayes are claiming that EMI failed to adequately protect their copyright and instead lent its support to Thicke, in what constitutes a breach of contract.

They also suggest that the publishing company attempted to discredit and intimidate them, claiming that the chairman of EMI, Martin N. Bandier, contacted the family and told them they were "killing the goose that laid the golden egg" by pursuing the lawsuit. He reportedly accused the suit of damaging the song's chances to win a VMA, as well as the

Grammy for Song of the Year.

"Not only did EMI fail to bring this action, which is necessary to carry out EMI's duties to protect the Gaye Family's copyrights," the countersuit states, "EMI attempted to dissuade the Gaye Family from pursuing this action by repeated threats and tactics to intimidate the Gaye Family and its representatives."

As a penalty, the Gayes have demanded that EMI turn over the profits from "Blurred Lines" and give up the rights to Gaye's catalog. Sony/ATV was dismissive of the claims that it had failed the family, and it released the following statement:

"We take our role in protecting the works of all of our songwriters from infringement very seriously. And while we very much treasure the works of Marvin Gaye and our relationship with the Gaye family, we regret that they have been ill advised in this matter."

Read the whole countersuit [here](#).

[via [THR](#); [NYT](#)]

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