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# In Dispute Over a Song, Marvin Gaye's Family Files a Countersuit

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Robin Thicke's song "Blurred Lines" is one of the year's biggest hits, but behind the scenes the song is the focus of a bitter dispute that led Wednesday to the family of Marvin Gaye filing a copyright lawsuit.

In August, Mr. Thicke and his two fellow songwriters, Pharrell Williams and Clifford Harris Jr. (also known as the rapper T.I.), sued the family of Marvin Gaye in a pre-emptive strike, saying that they expected Gaye's children to claim that "Blurred Lines" copied Gaye's 1977 hit "Got to Give It Up."

The similarities between the songs — among them a smooth, retro beat and lots of falsetto — have been noted by critics and Mr. Thicke has acknowledged "Got to Give It Up" as an inspiration. But "being reminiscent of a 'sound' is not copyright infringement," the men said in their suit.

Two of Gaye's children, Frankie and Nona, have responded with a countersuit, filed in United States District Court in Los Angeles. The suit says that not only does "Blurred Lines" infringe on their father's copyright, but that another of Mr. Thicke's songs, "Love After War," also copies a Gaye song, "After the Dance."

According to the suit, which was first reported by The Hollywood Reporter, a musicologist, Judith Finell, studied "Blurred Lines" and "Got to Give It Up" and found "a constellation of at least eight distinctive and important compositional elements" between them.

Extending their case beyond copyright, the Gayes also sued Sony/ATV Music Publishing, which controls the EMI publishing catalog, which includes Gaye's songs. The Gayes accuse Sony/ATV — which is also a publisher of Mr. Williams's work — of breach of contract and of fiduciary duty by taking sides against the family in the dispute and trying to intimidate them into dropping the case. Gaye died in 1984.

According to the Gayes, Sony/ATV tried to persuade them that their case was frivolous, and that the company's chairman — who was not named in the suit, but is Martin N. Bandier, a well-known music executive — told the family they were "killing the goose that laid the golden egg" by pursuing the case.

In a statement, Sony/ATV said that another musicologist had determined that "Blurred Lines" did

not infringe on “Got to Give It Up,” and also defended its corporate role as a steward for songwriters.

“We take our role in protecting the works of all of our songwriters from infringement very seriously,” the company said. “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.”

Both suits seek unspecified damages.