

# Marvin Gaye Family Says Jury Has Been "Poisoned" by 'Blurred Lines' Trial Testimony

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The judge is asked to do something about "confusing, wrong and entirely prejudicial" comments by Robin Thicke's side.



As the *Blurred Lines* trial enters its second week, attorneys for **Marvin Gaye's** children are seeking relief from what they argue are prejudicial statements from the **Robin Thicke** side that have already "poisoned, perhaps irreparably" the jury.

The trial explores whether Thicke and **Pharrell Williams** committed copyright infringement on compositions owned by the Gayes, and while the jury has been lucky enough to be treated to song medleys, deconstruction of a big pop hit and some discussion about the inner workings of the music industry, there's an issue lurking in the background that potentially clouds the proceedings.

Originally, the Gaye family wanted the jury to hear the original "Got to Give It Up" sound recording to compare with "Blurred Lines." The Gaye family wasn't permitted to offer this because its copyrights pertained to sheet music, and the judge worried about unduly influencing the jury with non-protected elements like Gaye's singing, percussive choices and background vocals. Later before trial, the judge at least agreed to permit the Gaye family to introduce a stripped-down audio version of "Got to Give It Up."

The trial is happening, though **Richard Busch**, attorney for the Gaye family, is sticking hard to his belief that the composition is embodied in the sound recording, and the latter stands as good evidence that the composition was lifted by Williams and Thicke in "Blurred Lines." If the Gaye family loses, this issue will undoubtedly be the subject of an appeal.



In the meantime, in the midst of trial, the Gaye family is looking to stop **Howard King**, attorney for Thicke and Williams, with taking advantage of the situation. The Gayes say that Thicke's side has repeatedly remarked during the proceedings that the Gayes only own the sheet music and that it's Motown Records which owns the sound recordings.

"The Gaye Parties have never claimed ownership of the Motown sound recordings, but the Thicke Parties have committed copyright infringement by copying the musical composition as embodied in those sound recordings," writes Busch in a motion filed on Monday. "The jury simply will not understand that fine distinction unless specifically instructed. It is confusing, wrong and entirely prejudicial ..."

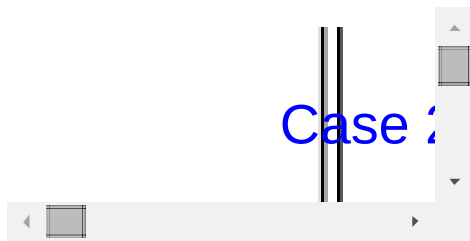
Yes, it's certainly a fine distinction, if one is to be made. The Gaye family points out that they receive payment whenever the compositions, embodied in recordings, are exploited in any way. They also admit that the "Blurred Lines" creators didn't review the sheet music deposited with the Copyright Office. Instead, Thicke and Williams heard Gaye's 1970s songs.

The Thicke camp might wish to create a narrow test for the jury by having them compare musical notes to determine whether an infringement has taken place, but the Gaye family wants to have witnesses talk about how their compositions are embodied in the sound recordings and tells the judge, "The sound recording is, therefore, not irrelevant, as has been continually stated by the Thicke Parties during the trial, and the jury is being confused and will likely believe, unless this matter is clarified, that the Gayes have no rights in the musical composition as embodied in such recording. This will further reinforce the improper remarks by the Thicke Parties noted above, and will continue to prejudice the Gaye Parties. These blurred lines must be sharpened and focused."

If the judge doesn't grant the requested relief and issue a proposed jury instruction, the Gaye family appears to at least be girding an appeal arguing it couldn't get a fair trial.

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