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Robin Thicke, Pharrell Lose Multi-Million Dollar 'Blurred Lines' Lawsuit

Marvin Gaye estate wins \$7.3 million judgment after months of legal drama



Robin Thicke and Pharrell Williams have been ordered to pay \$7.2 million to Marvin Gaye's estate over "Blurred Lines." Ethan Miller/Getty; Lester Cohen/Getty

By Kory Grow

March 10, 2015

UPDATE: A lawyer for the estate of Marvin Gaye **tells *Rolling Stone*** that he will try to block all future sales of "Blurred Lines" until an agreement is reached.

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Robin Thicke noticeably ripped off **Marvin Gaye's** 1977 hit "Got to Give It Up" when he wrote the smash hit "Blurred Lines" with **Pharrell Williams** and T.I., a Los Angeles jury has decided. He and co-songwriter Pharrell Williams must pay Gaye's family \$7.3 million as part of the ruling, according to ***Variety***. The verdict puts to rest over a year's worth of legal back and forth between Thicke and Gaye's estate, in which the latter sought \$25 million in damages.

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"While we respect the judicial process, we are extremely disappointed in the ruling made today, which sets a horrible precedent for music and creativity going forward," Williams, Thicke and T.I. said in a joint statement. "'Blurred Lines' was created from the heart and minds of Pharrell, Robin and T.I. and not taken from anyone or anywhere else.

We are reviewing the decision, considering our options and you will hear more from us soon about this matter.”

A representative for Gaye’s estate was not immediately available for comment.

The decision, which hinged on the fact that Gaye’s family owned only elements of the sheet music to “Got to Give It Up,” came from eight jurors who listened to testimony from musicologists, as well as Thicke and Williams. Marvin Gaye’s children, Nona, Frankie and Marvin Gaye III, will receive \$4 million in damages and \$3.3 million of the profits that “Blurred Lines” made, along with \$9,000 in statutory damages, according to *The New York Times*. T.I., who was listed in the suit by real name Clifford Harris, Jr., was found not liable.

The \$7.3 million number beats the record high judgment in a copyright infringement suit, according to *The Hollywood Reporter*, who cite the \$5.4 million Michael Bolton had to pay for using elements of the Isley Brothers’ “Love Is a Wonderful Thing” in his own song titled “Love Is a Wonderful Thing” in 1994.

“I’m really grateful,” Janis Gaye, Marvin’s former wife and the mother of Nona and Frankie and stepmother of Marvin Gaye III, told the *Times*. “I hope people understand that this means Marvin deserves credit for what he did back in 1977.”

The “Blurred Lines” legal drama began in August 2013, when Thicke, Williams and T.I. responded to threats of legal action by the Gaye estate and publisher Bridgeport Music by **preemptively suing** them, along with Funkadelic, claiming “Blurred Lines” was “strikingly different” than “Got to Give It Up” and the latter group’s “Sexy Ways.” “The intent in producing ‘Blurred Lines’ was to evoke an era,” Thicke’s lawyers wrote in the suit. “In reality, the Gaye defendants are claiming ownership of an entire genre, as opposed to a specific work, and

Bridgeport is claiming the same work." ("Sexy Ways" was **dropped from the lawsuit** last March after the parties reached a mutual agreement.)

The **Gaye estate, which represents the singer's children Frankie and Nona, fired back** two months later, claiming Thicke had pilfered not only "Got to Give It Up" but also Gaye's "After the Dance" and "I Want You" on Thicke's 2011 album *Love After War*. The family alleged at the time that the Canadian singer had a "Marvin Gaye fixation" and accused the publisher of Gaye's songs, EMI, of not protecting the soul icon's catalogue since it had folded into Sony ATV, which manages Thicke's music. (They eventually **settled for an undisclosed amount**.) They also cited interviews where Thicke said he'd stolen from Gaye, including **telling GQ** that one of his favorite songs was "Got to Give It Up" and that he told Williams that they should write a song with the same "groove."

By April 2014, Thicke was claiming in a deposition that he was drunk and high on Vicodin when he recorded "Blurred Lines" and that he **was barely involved** in its production, claiming Williams wrote "almost every single part of the song." Regarding his claim to GQ, he claimed that he was jealous and "wanted some of the credit." His deposition also involved listening to a mash-up of the two songs, which he compared to "nails on a fucking chalkboard" and the punishment-by-media scene in *A Clockwork Orange*. Williams, in his deposition, also complained at the time about the songwriting equity he gave up in the song.

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The trial kicked off in February of this year. During the opening remarks, the Gaye estate's lawyer **warned jurors**, "[Thicke and Williams] will smile at you and they will be charming. Keep one thing in mind: They are professional performers." When Thicke gave testimony that month, he performed the song – along with "Got to Give It Up" and tunes by U2, the Beatles and Michael Jackson – on a keyboard to demonstrate similar chord progressions to jurors.

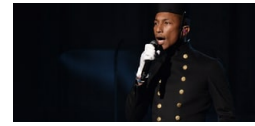
The Gaye estate lawyers later claimed that testimony on Thicke's side had "poisoned perhaps irreparably" the jury, according to *The Hollywood Reporter*. While Thicke was able to perform the songs, the Gayes were not allowed to play the recorded version of "Got to Give It Up" since the copyright they were defending applied to sheet music. The judge claimed that Gaye's voice, the version's backup vocals and some of the percussion – all of which are not covered by copyright – could sway the jury; eventually, they were allowed to play a stripped-down version of the tune.

As testimony progressed, the jury learned that the song of the summer earned its composers close to \$17 million, of which over \$5.6 million went to Thicke, about \$5.2 million went to Williams and about \$700,000 went to T.I. (the rest went to record companies). Williams also earned \$4.3 million in publishing from the song and \$860,000 for being its producer, according to *The Hollywood Reporter*. The amounts were revealed since the Gayes were seeking a portion of those profits as well as some of Thicke's touring revenue. They also discussed the reported \$900,000 Thicke made for "Love After War," the song that allegedly borrowed from Gaye's "After the Dance." The Gayes' lawyer claimed they were owed in the neighborhood of \$40 million worth of damages.

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In early March, Williams testified that all "Blurred Lines" had in common with "Got to Give It Up" was the "feel." Neither Gaye nor the song were in his head when writing the song, he told the court. At the time he was working with Thicke, he said he was also working with Miley Cyrus and Earl Sweatshirt in the same studio. He said that working with Cyrus bled into "Blurred Lines," since he had been planning on doing a country-esque song with her. "It was like blending this country sound with this up-tempo groove," he said of the Thicke song, according to *The Hollywood Reporter*. He further testified that he wrote nearly every lyric and melody on "Blurred Lines."

Williams also shrugged off the notion that the "Blurred Lines" lyrics "Shake around, get up, get down" closely resembled the line "Move it up, turn it round, shake it down" on "Got to Give It Up." "In the average black family of the Seventies, that's what we do when a song comes on," he said, according to *THR*. "That's what my dad used to say."

Before the jurors left to deliberate, the Gayes' lawyer said they were seeking \$25 million in damages, citing portions of the publishing, the profit from the song itself and record company overhead, according to *The Hollywood Reporter*. Thicke and Williams' lawyer asked the jury, "Why would Mr. Williams need to copy anyone to create a hit?"

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