

Court of Appeals Upholds “Blurred Lines” Ruling

By Daisy Franco, J.D. Candidate 2020 | April 8, 2018

The lines were blurred as to whether Robin Thicke and Pharrell Williams copied Marvin Gaye’s 1977 disco song, “Got to Give it Up.” Their song, “Blurred Lines,” was the biggest [hit](#) of 2013. Gaye’s family [claimed](#) Thicke copied the song without permission and brought the case to trial in 2015. After a [seven](#) day trial, the jury initially [awarded](#) Gaye’s family a damages award of more than \$7 million. The jury was only able to [rely](#) on the sheet music, and not on recordings of the two songs.

On March 21, 2018, in a 2-1 decision, the Ninth Circuit [upheld](#) the jury’s finding that Thicke and William’s song “Blurred Lines” infringed on Gaye’s copyright song. The court also [awarded](#) damages in the amount of \$5.3 million. The Gaye estate will also receive [50 cents](#) per interest on future revenue from the song.

Opponents of the case warned that the suit could have a “[chilling effect on creativity](#).” In her dissent, Judge Jacqueline Nguyen [said](#) the decision allowed the copyright of something that had never been copyrighted before: musical style. She [said](#) Thicke’s song only resembled Gaye’s in style and that the decision “strikes a devastating blow to future musicians and composers everywhere.” Over 200 musicians filed a brief in favor of Thicke and Williams, saying that the ruling would have an “[adverse impact...on the music industry](#) and would “[eliminate\[e\] any meaningful standard for drawing the line between permissible inspiration and unlawful copying](#).”

The majority [rejected](#) the idea that the decision was a devastating blow on music. The court [suggested](#) that the case actually rested on the skills of Thicke’s attorneys. Gaye’s attorney applauded the ruling, [saying](#) that the decision encourages writers to create original work.

Drawing from the court’s dissent, Thicke’s attorney [stated](#) that there would be further appeal.

