

'Blurred Lines' Trial Opens As Jurors Hear Dueling Arguments About What's At Stake

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Robin Thicke, Pharrell Williams and members of the Marvin Gaye family were on hand at a Los Angeles federal courtroom for the start of the copyright infringement trial.



[1] Anthony Mandler
Robin Thicke

The "Blurred Lines" trial is underway in a Los Angeles federal courtroom.

On Tuesday, **Robin Thicke** and **Pharrell Williams** were on hand for the start of the proceeding examining whether "Blurred Lines," one of the biggest songs of the century, was improperly derived from **Marvin Gaye's** "Got to Give It Up."

Thicke, Williams and **Clifford Harris Jr.**, better known by his stage name **T.I.** [sued Gaye's family](#) [3] in 2013 to get a declaration that their multiplatinum hit isn't a rip-off of the late soul legend's copyright. In [counterclaims](#) [4], the singer's children **Frankie** and **Nona Gaye** accused the musicians not only of infringing on "Got To Give It Up," but also of turning Gaye's "After the Dance" into Thicke's "Love After War."

Thicke — who did nothing but smile today — and Williams are scheduled to testify in judge **John Kronstadt's** courtroom at the trial, which is anticipated to take eight days. So will T.I. and Thicke's ex-wife **Paula Patton**, who co-wrote "Love After War." Frankie, Nona and several other Gaye family members were present in court as well.

In his opening statement, the Gaye family's attorney **Richard Busch** [5] focused on the inconsistency between Thicke and Williams' depositions and interviews in the media to promote "Blurred Lines" in which they credited Gaye and "Got To Give It Up" for influencing the track. In Thicke's [wild deposition](#) [6], the singer claims he lied in every one of those interviews and was drunk and high on Vicodin. Busch encouraged jurors not to take the deposition at face value: "They crafted, the evidence will show, a completely different inconsistent story in this case."

Thicke and Williams' attorney **Howard King** responded in his opening statement that jurors should take the depositions seriously, not the media interviews. "There are many unsworn interviews of people trying to sell records," he said. "It's going to be easy to get distracted by the perhaps tawdry details of what goes on in the music business."

King went on to repeat Thicke's claims in his deposition that he in fact had little involvement in writing the hit single. "You're obviously going to hear details that are embarrassing about Mr. Thicke's personal life. But what you're going to hear is that Mr. Thicke did not write that song [Blurred Lines]," said King. "He was supposed to be in the studio with Mr. Williams, because that's the way Mr. Williams likes it, to have the artist there, but it came to 10 at night and Mr. Thicke was nowhere to be found. Mr. Williams sat down and wrote the song, wrote the music, in an hour."

King spoke to the recent back-and-forth in the case over whether Gaye's full recording could be played in the trial. In recent motions, Thicke and Williams' camp [argued](#) [7] the Gaye family held copyrights only for the sheet music of Gaye's compositions, not the recordings themselves. The judge [agreed](#) [8] in a ruling that since Gaye's songs came out before copyright law changed in 1978, only a stripped-down version of the song could be played in court. (The Gaye family [fought the decision](#) [9] in an [unsuccessful appeal](#) [10]).

"The sheet music was only consulted a few months ago, after hundreds of thousands of dollars spent, and it was revealed that a lot of elements of the recordings are not in the sheet music," said King. "We're going to show you what you already know: that no one owns a genre or a style or a groove. To be inspired by Marvin Gaye is an honorable thing."

Both attorneys gave some estimation of potential damages, with Busch claiming that the musicians' profits from the track totaled roughly \$40 million and that according to general practices for licensing, the Gayes were due some fraction around half of that. King responded that the song was nowhere near that profitable, further arguing that the track's success wasn't due entirely to the music — the racy video and social media promotions should be considered as well.

They previewed their experts, King's including Williams' studio engineer and "in-house musicologist" **Andrew Coleman** and musicologist **Sandy Wilbur**, who the attorney said will demonstrate that the notes and chord progressions in the Gaye compositions and Thicke's songs don't resemble one another. Busch plans to bring musicologist **Judith Finell** and Harvard professor of African American music **Ingrid Monson**, who he said would focus on the songs' structural similarities, like the placement of their rap/spoken segments.

He cautioned jurors with regard to Williams and Thicke's testimonies. "They will smile at you and they will be charming. Keep one thing in mind: They are professional performers," he said.

Earlier in the day, the jury selection process kicked off the festivities and included an unusual question: Who [was offended](#) [11] by the music video for "Blurred Lines," which features bare-chested, nearly nude women? Some responded they couldn't remain impartial.

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"I have two young daughters," said one prospective juror, a teacher, who told the judge the video would affect her judgment. "I'm trying to raise them to be empowered and not use their sexuality to sell things," she said before being dismissed.

In his opening statement, King played a non-explicit version of the video and clarified his party wouldn't play the explicit version. "The version you won't see lacks — clothing," he said.

Other questions in the selection process included whether the prospective jurors played a musical instrument or could read music, whether they knew Williams' work and liked it — Thicke's repertoire wasn't addressed — and whether they could judge celebrities fairly.

"I have to say, I do listen to a lot of oldies. I was weaned on it," volunteered one prospective juror, a retired woman who was later dismissed, when asked if she was familiar with Gaye's work. "His music was the backdrop when I was in college," responded another. When the judge asked a college student how he knew Williams' work, the juror responded, "He's everywhere."

The jury comprises five women and three men. The trial will continue on Wednesday at 8:30 a.m.

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