

'Blurred Lines' Trial: Motown Exec Wanted to Make Robin Thicke-Marvin Gaye Mashup

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With Robin Thicke and Pharrell Williams absent from court, attention turned to Universal Music and subsidiary Motown on the trial's third day.



[1]

NBC
Thicke and Williams

There were no celebrity [piano performances](#) [2] on the third day of the "Blurred Lines" trial. But there was discussion of a mashup that never came together.

The focus turned from the musicians behind the hit single, **Robin Thicke**, **Pharrell Williams** and **T.I.**, in Los Angeles federal court on Monday. The three [sued](#) [3] the family of **Marvin Gaye** in 2013 to get a declaration they didn't copy the soul singer's "Got to Give It Up" to create their multiplatinum song. The singer's children, **Frankie** and **Nona Gaye**, responded [with counterclaims](#) [4] in which they allege not only was "Blurred Lines" improperly derived from their late father's work, but Thicke's song "Love After War" was copied from Gaye's "After the Dance."

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The trial has so far centered on the songwriting process of Thicke and Williams and whether they were influenced by Gaye's work (including memorable admissions from Thicke that he was high on Vicodin and drunk in interviews where he claimed inspiration from Gaye and that he barely contributed to writing his hit single. "I remember bouncing ideas back and forth with [Williams], but we didn't keep any of mine," he testified yesterday).

But the third day of proceedings offered a look at a different side of the case: whether Universal Music distributed the songs despite knowing of infringement on Gaye's work. In the Gayes' counterclaims, they sued the company and affiliates Interscope and Star Trak, the label Williams founded in 2001.

This relates to one of the key pretrial proceedings in the case. In [recent motions](#) [6], Thicke and Williams' lawyers argued that since Gaye's compositions were copyrighted before changes to copyright law in 1978, the Gaye children only hold copyrights to the sheet music for "Got to Give It Up" and "After the Dance." The judge agreed (and [denied](#) [7] an [appeal](#) [8] from the Gayes) that they didn't hold copyrights of the commercially released sound recordings.

Who does? Motown Records, the iconic label that released Gaye's albums. Motown was acquired by Universal in 1999, and it still operates under the label.



[9]

In his opening statement on Tuesday, the Gaye family's attorney **Richard Busch** pointed out that Universal could benefit from the success of "Blurred Lines" not just in its own right, but by using Thicke and Williams' huge hit to promote the Marvin Gaye catalog.

With Thicke and Williams absent from court on Thursday, the attorneys examined **Harry Wenger**, a Motown executive who handles re-releases and promotions of recordings including Gaye's. Busch asked him about emails in which he wrote that Thicke and Williams

“sampled/borrowed from Marvin” and that “Blurred Lines” was “utterly based” on Gaye’s song. “I may have said that,” he said. Busch pressed him on it. “I did say that,” he admitted.

He testified that he’d emailed executives at Universal with ideas for promoting Gaye’s music via “Blurred Lines.” He proposed that a link to buy “Got to Give It Up” be posted on the web page with the video for Thicke and Williams’ song. “I thought they were similar enough that people would make the association and that would elevate the profile of ‘Got to Give It Up,’” he said. In another email, he proposed the company produce something the Gaye family has since publicized [10].

“Were you asking for a comparison audio to be done within Universal of ‘Got to Give It Up’ and ‘Blurred Lines?’” asked Busch.

“I’m not sure what you mean by ‘comparison audio,’” said Wenger.

“Mashup,” Busch quickly replied. “That’s about right,” Wenger said after a pause. The Universal executives he emailed with the idea never responded, he testified.

But regardless of whether the songs sounded similar to Wenger, the case still centers on whether Thicke, Williams and T.I. (a.k.a. **Clifford Harris Jr.**, also a plaintiff) borrowed improperly from Gaye’s tracks as written. Under examination from Thicke and Williams’ attorney **Howard King**, Wenger clarifies he’s never seen the sheet music for either song. “I only listened to the two recordings,” he said. “The two recordings sound really similar.”

The trial will continue on Friday at 8:30 a.m. with testimony from musicologist **Judith Finell**, who took the stand on Thursday afternoon.

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