

[Exclusive] Marvin Gaye Attorney: No 'Blurred Lines' In Verdict

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Nashville-based attorney **Richard Busch**, a partner at King & Ballow, led the team that represented the family of late entertainer **Marvin Gaye** in the recent "Blurred Lines" lawsuit against **Robin Thicke** and **Pharrell Williams**.



This week, news spread quickly when a jury found Thicke and Williams guilty of copyright infringement of the 1977 Gaye song "Got To Give It Up," when creating their 2013 hit "Blurred Lines." Thicke and Williams were ordered to pay \$7.4 million to Gaye's children, who inherited the copyrights to the singer's music after he passed in April 1984. The news caused a controversy among musicians, music industry members and music fans, as they began weighing in on the verdict and what it could mean for music creators.

Richard Busch

According to Busch, the next step in the case aims to ensure the Gaye family earns a share of monies from "Blurred Lines" going forward. "We are going to, and this is not unusual, file a request for a permanent injunction, asking the court to stop the sale or distribution of 'Blurred Lines' going forward," Busch tells *MusicRow*. "The reason for that is that the damage award is only for monies received up until now. The Gaye family will not be able to share in future sales of 'Blurred Lines' unless we are able to work something out with the 'Blurred Lines' song owners. We will ask the court to enter a permanent injunction to prohibit the sale and distribution of the song going forward, then we have a negotiation about the terms that will be acceptable for them to continue selling 'Blurred Lines,' which would mean we get an ownership share in it and a right to future royalties. Otherwise, the Gaye family would not be able to share in any future royalties."

Attorneys representing Thicke have stated they intend to file an appeal. Paterno & Berliner, LLP lawyer **Howard E. King** told FOX Business Network's (FBN) **Liz Claman** following the verdict, "We owe it to songwriters around the world to make sure this verdict doesn't stand," and, "we are going to exercise every post-trial remedy we have to make sure this verdict does not stand."

Busch tells *MusicRow*, "There is no appeal here that would be valid in any way, shape or form. They continue to try this case in the press, saying it was a copy of a genre or a groove, but not of a composition. We had two musicologists, **Judith Finell** and **Dr. Ingrid Monson**, the Quincy Jones Professor of African American Music at Harvard. They broke the compositions down and showed note-by-note copying and showed that it is the copying of a composition, not a genre or groove. It's the same before this decision and it's the same after. If you copy a musical composition, you'll be liable for copyright infringement."

Busch, a Miami, Fla., native, became involved in the case through a working relationship with the Gaye family's transactional entertainment lawyer **Mark Levinsohn**. "He and I have worked on many cases together, and he reached out to me at the very beginning," Busch says. "I heard the music, I believed it was a copy. Pharrell Williams and Robin Thicke took the unusual step of

actually suing the Gaye family for having the tenacity to bring this issue up and to want to have a discussion about it. At that point we had no choice, and the rest is history.”



The “Blurred Lines” case is the latest of many major music business cases Busch was won. In the high-profile case of F.B.T Productions, LLC Vs. Aftermath Records, Busch represented F.B.T. Productions, who discovered, produced, and co-wrote some of recording artist **Eminem’s** biggest hits. The United States Court of Appeals for the Ninth Circuit ruled in favor of F.B.T., finding that agreements between Universal and digital download providers are licenses. Eminem’s recording contract entitled him and F.B.T. to 50 percent of Universal’s net receipts for sales of Eminem’s songs by iTunes and others. F.B.T had previously lost the case in 2009, but the decision was overturned and the case was settled in 2012.

Busch also represented Eminem’s music publisher Eight Mile Style in a copyright infringement action against Apple Inc., and Aftermath Records, to determine whether Apple obtained necessary publishing licenses to allow it to make the rapper’s songs available for digital download on iTunes.

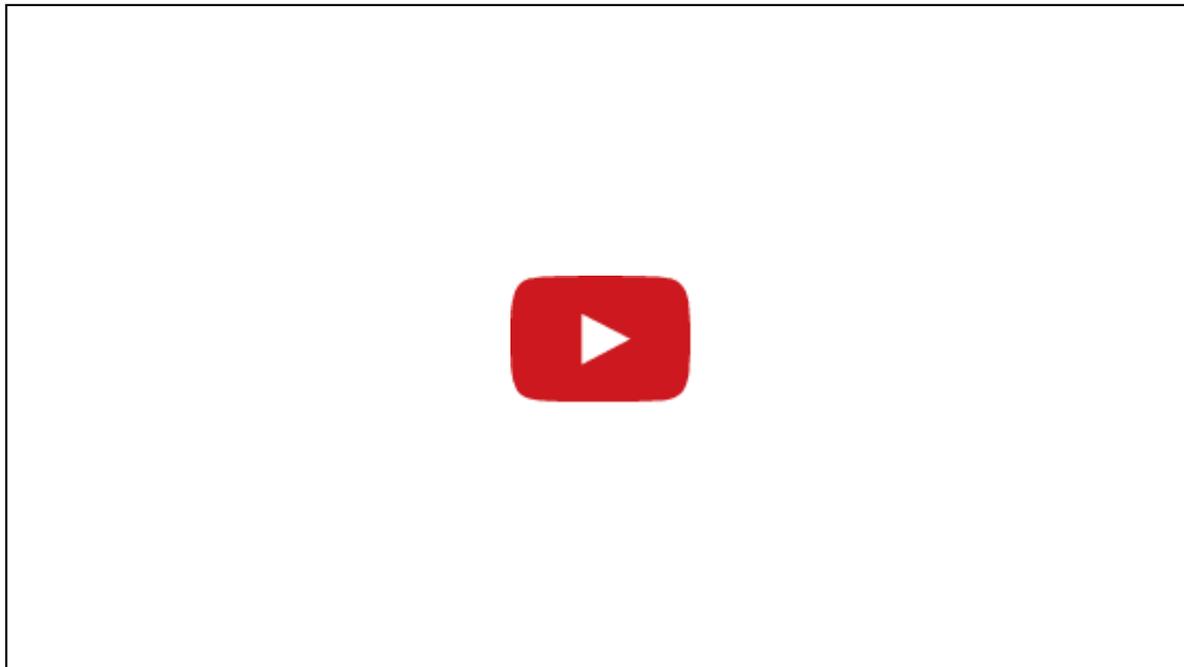
In 2012, Busch obtained a favorable federal court verdict for Alvert Music for upwards of \$2 million in a case against a defendant record label involving bankruptcy and copyright issues.

His entrance into entertainment law started with a taxi cab ride in New York City. “The weather was bad, and so I suggested to the person next to me that we share the next cab that came. We did, and I learned that his wife was the copyright administrator for Bridgeport Music, Inc., and Westbound Records, Inc. At the time, the rap industry was sampling music without licenses and the company was planning a massive, 500-count lawsuit. I met with them in Detroit, and we decided to work together. We won every case. Later, they recommended me to Eminem’s team for the FBT Productions case. I’ve been in entertainment law ever since, but it might not have happened without that cab ride.”

Prior to joining King & Ballow in 1991, Busch was a law clerk for the Honorable John V. Parker, Chief Judge of the United States District Court for the Middle District of Louisiana. He earned his law degree from Loyola University Law School. He is a member of the Nashville, Louisiana, and American Bar Associations. He was named one of the top 100 entertainment Power Lawyers by *The Hollywood Reporter* (2012), and has been named several times as one of the best 150 lawyers in Tennessee by *Business Tennessee* magazine. In 2011, he was part of the *Nashville Post’s* list of Nashville’s Top 101 lawyers. Busch’s practice areas include litigation (state and federal), entertainment litigation, intellectual property law, commercial litigation, and labor and employment law.

"I'm thrilled to be part of it," he says of his work with the Gaye family. "The people involved, the song involved. It was an honor to represent Marvin Gaye's family. It's one of the best experiences of my life and career. This meant so much to the entire family, and it was satisfying to me to be able to make this happen for them. I've said this before, but I'm sure people were wondering who this guy was from Nashville, Tenn., and they know now."

Legal representatives for Thicke could not be reached at press time.



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