

Judge Allows "Formation" Copyright Infringement Lawsuit against Beyonce to Move Forward

[caption id="attachment_113681" align="alignnone" width="680"]



Beyonce

performing "Formation" at the Super Bowl in 2016. Photo courtesy of Complex.[/caption]

Summary: Beyonce's attempt to dismiss the "Formation" lawsuit was denied.

"Okay, ladies, now let's get in formation!" Beyonce sang in her hit "Formation," which some saw as a battle cry for the Black Lives Matter movement. The pop star performed the song at the Super Bowl in 2016, and for months, the tune was everywhere. "Formation" should've been nothing more than a win for the entertainer, but unfortunately, a lawsuit has been causing a headache for Beyonce and her legal team.

In February, the family of Anthony Barre, a.k.a Messy Mya, sued Beyonce for \$20 million. They claim that she had stolen his spoken word poetry to use in her "Formation," and now they want a piece of the "Lemonade" pie.

Beyonce had fought to get the lawsuit dismissed, but U.S. District Judge Nannette Jolivette Brown said that the singer did not change Barre's work enough to fall under Fair Use, according to *The Hollywood Reporter*.

"Plaintiffs have plausibly alleged in their complaint that Defendants did not change or alter the 'expressive content or message' of Anthony Barre's YouTube videos, but rather used unmodified clips without adding anything new," Brown said. "[T]he Court concludes at this stage of litigation that 'the copyright law's goal of promoting the Progress of Science and useful Arts' would not be better served by allowing Defendants' use of Plaintiffs' copyrighted material without authorization or compensation than by preventing it."

Beyonce had sampled Messy Mya's Youtube videos in "Formation." In the beginning and middle of the song, Mya's voice can be heard saying "What happened at the New Orleans," "Bitch, I'm back by popular demand" and "Oh yeah baby. I like that."

Messy Mya's sister, Angel Barre, said that Beyonce had used clips from Messy Mya's performance art "A 27 Piece Huh?" and "Booking the Hoes from New Wildings." While Beyonce acknowledged using Messy Mya's voice, her legal team had argued that she was not in violation of copyright because of fair use grounds.

Judge Brown, however, said that Beyonce did not transform the clips, and although they were short, they were still "significant" in use. She denied the motion to dismiss Messy Mya's family's false endorsement and Louisiana Unfair Trade Practices Act claims, but she dismissed the claim for unjust enrichment, according to *The Hollywood Reporter*.

Messy Mya was murdered in 2010, but his work can still be found online. His family said earlier in the year that they had tried to contact Beyonce, Jay-Z, and the label about the alleged copyright infringement but they were ignored.

The Barre family is seeking royalties as well as punitive damages for the alleged theft.

- [Beyonce Sued for \\$20M by the Family of Messy Mya](#)
- [Uber Employees Stalk Ex-Girlfriends and Beyonce](#)
- [Beyonce Sued for "Lemonade"](#)

Source: *The Hollywood Reporter*