

## Legal Battle: Ed Sheeran Faces Copyright Lawsuit Over Use of Widely Used Chord Progression



In a courtroom battle unfolding in Manhattan, New York City, renowned civil rights lawyer Benjamin L. Crump asserted during opening statements that he possesses "a smoking gun," which demonstrates that singer Ed Sheeran replicated Marvin Gaye's iconic track, "Let's Get It On," when composing his hit song "Thinking Out Loud." As per reports from the Associated Press, the New York Times, and CNN, Crump revealed that the alleged evidence is a recording of a concert where Sheeran intertwined Gaye's composition with his own.

Representing the heirs of Ed Townsend, Gaye's co-writer, Crump argued that this concert recording unequivocally establishes Sheeran's imitation. However, Ilene S. Farkas, Sheeran's lawyer, staunchly denied any such copying, emphasizing that the chord progression employed by Sheeran and his co-writer is exceedingly common. Farkas asserted that the plaintiffs cannot claim ownership over such elements since they belong to the public domain.

Farkas warned that the plaintiffs' victory in this case could have far-reaching implications for songwriters and their creative freedom. This sentiment was echoed by Jennifer Jenkins, a Duke University School of Law professor, in an interview with the New York Times. Jenkins argued that if a widely used chord progression, set to a basic harmonic rhythm, is privatized in this case, it would signify a regressive step by removing essential components from every songwriter's toolbox.

The focal point of the dispute lies in the chords themselves, as pre-1978 songs are protected by copyright law only in their sheet music form, which typically encompasses chords, lyrics, and melodies, as outlined by the New York Times. This legal quirk underscores the significance placed on the skeletal sheet music and its potential impact on copyright claims.

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This case draws comparisons to a previous copyright infringement suit involving another Marvin Gaye composition, "Got to Give It Up," which resulted in a \$7.4 million verdict against Pharrell Williams and Robin Thicke for their song "Blurred Lines." Concerns were raised within the music industry and legal circles following this landmark verdict in March 2015, as it had the potential to redefine the boundaries of copyright infringement. The verdict was subsequently upheld by a federal appeals court in 2018, according to the New York Times.

The "Blurred Lines" case left many legal experts and musicians surprised. It seemed to penalize Williams and Thicke for using fundamental musical elements, such as harmonies and rhythmic patterns, which had long been considered part of the public domain. In contrast, Led Zeppelin successfully defended themselves in a 2016 trial where they were accused of copying the opening guitar riff in "Stairway to Heaven." In 2020, an appeals court upheld the verdict, thereby reestablishing a sense of familiarity in copyright case law, as the New York Times reported.

As the current legal battle between Ed Sheeran and the heirs of Marvin Gaye's co-writer unfolds, the music industry closely watches the outcome, anticipating its potential impact on future copyright disputes and the extent to which creative elements can be deemed original or shared within the realm of songwriting.