

A JOURNAL OF MUSICAL THINGS
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Must read: Copyright lawsuits are killing music

A Journal of Musical Things (blog)

I've always been fascinated by lawsuits that allege one artist infringed upon/plagiarized the work of another.

Most such accusations used to be handled quietly and behind the scenes, although a few (cf. George Harrison's "My Sweet Lord" and any number of Oasis issues), these claims have blown up in recent years.

There's a new type of lawyer out there, the kind that trolls for clients who think that a new hit sounds a little too much like a song they wrote decades ago. The floodgates opened a few years ago when "Blurred Lines" by Robin Thicke was ruled to feel a little too much like Marvin Gaye's "Got to Give It Up."

If "feel" and "influence" are now fair game—as opposed to copying actual notes—then everyone is at risk. And because songwriters now fear getting sued, music as a whole is suffering. Just ask Katy Perry and Ed Sheeran. They thought they wrote original songs. Now they're getting sued for millions by people they never heard of.

Rolling Stone wrote a piece on the matter entitled "How Music Copyright Lawsuits are Scaring Away New Hits." I quote:

"Across genres, artists are putting out new music with the same question in the backs of their minds: Will this song get me sued?"

"There is a lot of confusion about what's permissible and what's not,' says Sandy Wilbur, a forensic musicologist who served as an expert witness for the defense in the 'Blurred Lines' case. Because cases are decided by 'the average listener, who is not an educated musicologist or musician,' she notes, 'labels are very afraid.' Since that game-changing ruling in 2015, Wilbur says, she's received triple the number of requests from music companies to double-check new songs before they are even considered for release."