

Michael Elkin Discusses Ed Sheeran Copyright Infringement Case with Law360

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Winston & Strawn Vice Chairman Michael Elkin spoke with Law360 about the popular trial strategy used by musicians in copyright cases, most recently seen in the latest Ed Sheeran copyright case. The lawsuit alleged that Sheeran's 2014 song "Thinking Out Loud" copied chords from co-writer of Marvin Gaye's 1973 "Let's Get It On," Ed Townsend. During the trial, Sheeran performed portions of his song to demonstrate to the jurors how the two songs differ, making this one of many high-profile copyright infringement trials to use the strategy of live performance on the stand. The jury ultimately found that Sheeran did not copy "Let's Get It On."

Though it's impossible to know what sways jurors in copyright cases, Michael noted that a musical performance can often endear the artist to the jury. "I think in music copyright trials in general, the use of the actual music itself and the presence of artists can have a formidable impact on a jury," he said.

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