

Michael Elkin Discusses “Blurred Lines” Copyright Infringement Case on Bloomberg Radio

JANUARY 29, 2015

Winston & Strawn partner Michael Elkin spoke on Bloomberg Radio on January 29, 2015 regarding a copyright infringement case over Robin Thicke and Pharrell Williams’ song “Blurred Lines,” which the heirs of Marvin Gaye claim infringes on Mr. Gaye’s song “Got To Give It Up.”

In a copyright infringement case, the jury would typically listen to both songs in order to identify whether or not there are substantial similarities, Mr. Elkin explained. However, because this particular case involves the music composition rather than the sound recording itself, a judge ruled that the recording of Mr. Gaye’s song could not be played.

“The court here made a determination that because the sound recording itself wasn’t particularly relevant... using Marvin Gaye’s voice and the vocal percussions and the other elements could unduly sway a jury, cause sympathy to be paid to the actual heirs of Marvin Gaye,” Mr. Elkin said.

Instead, the jury will hear testimony from an expert musicologist and potentially hear an edited version of Gaye’s song with vocals or other elements excluded.

Mr. Elkin is the managing partner of Winston & Strawn’s New York office and chair of the firm’s copyright, entertainment & digital media practice.

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