**PLAGIARISM IN MUSIC**

**Bottom of Form**

**Mariah Carey's in trouble again regarding plagiarism**

**Fox News 8/10/04**

A California appeals court has done the one thing Carey must fear most in life, aside from having to do business with **Tommy Mottola** again: It's reinstated a dismissed case and given two songwriters who claim Carey plagiarized them a chance to go ahead with their case.

The song in question is "Thank God I Found You," a No. 1 hit Mariah had in 1999 with the group **Xscape** singing back up and **Jermaine Dupri** credited as producer.

Songwriter **Seth Swirsky** — who's got 30 gold and platinum records and is married to the head of EMI Music Publishing — says that "Thank God" is in fact a re-doing of "Just One of Those Love Songs," a track he and **Warryn Campbell** wrote for Xscape.

A chain exists linking Dupri and Xscape (featuring regular Carey back-up singer **Kandi Burruss**) to Carey. But more interestingly, Swirsky — who is also well-known as a writer of baseball books — may have the smoking gun.

When he first discovered that he'd been ripped off, he called the studio where Carey recorded the song, and requested a copy of the work tape that was used when Carey was composing with producers **Jimmy Jam Harris** and **Terry Lewis**.

"You can hear Mariah saying to them, I have a tune stuck in my head," Swirsky told me yesterday. "They don't know, they're just writing down what she says."

Work tapes and [**notebooks**](http://www.foxnews.com/story/0%2C2933%2C128514%2C00.html) of writing sessions have haunted Carey in other plagiarism cases, of which there have been plenty over the years.

One contentious, unresolved case — morally, if not legally — involved the song "Hero." **Christopher Selletti**, a limo driver, claimed that he wrote the lyrics as a poem, then handed them to his passenger, R&B legend **Sly Stone**, who in turn passed them to Carey.

Selletti was overpowered by Carey's lawyers at every turn through an arduous process, and the case was dismissed over and over by federal judge **Denny Chin**.

Nevertheless, questions linger, since Carey's defense was that she was commissioned to write the song as the theme for a **Dustin Hoffman** movie of the same name. But the movie "Hero" was released six weeks before Carey's workbook says she wrote the song.

Carey also got into trouble with a song she called "Can't Let Go." Writers **Sharon Taber** and **Ron Gonzalez** said it was their song, "Right Before My Eyes." Carey paid out $1 million to them in a settlement stipulating that no plagiarism ever took place.

On the work tape for that song, Carey tells collaborator **Walter Afanasieff**: "It's too much like our other song. ... What was the section from the **George Michael** thing?" At another point: "You know what doing it this, this way that I was thinking is more like a **Janet Jackson** thing where it's like ... not that I want to be like her. ..."

Before she spent the $1 million to make the Taber-Gonzalez case go away, Carey sent then-manager **Randy Hoffman**, partner of her then-husband Tommy Mottola, to see back-up singer **Billy T. Scott**, who had evidently played "Right Before My Eyes" for her.

Hoffman went in with a wire and recording device, hoping to get Scott to contradict himself. The tape transcript wound up in the public court record, and I got to hear it a few years ago.

"Your actions speak louder than words," Scott — who was also offered his own gospel album by Sony, according to sources — told an unsuccessful Hoffman at one point. "They always have."

Carey has several other blots on her record in the songwriting department, including lifting the music from **Maurice White**'s famous hit by the Emotions, called "Best of My Love," and re-recording it without his permission or knowledge as "Emotions." White called his lawyers, who secured a hefty payment.

"Sampling is one thing," White said, "but she took the whole song."

Carey and company paid roughly half a million dollars to Detroit songwriter **Kevin McCord**; a musicologist had testified that "Make It Happen," which was credited to Carey and **C&C Music Factory**, had heavily borrowed from McCord's song, "I Want to Thank You," which had been a minor hit for **Alicia Myers** some years earlier — albeit recorded in a different key.

But Mariah has quite possibly met her match in Seth Swirsky, who says, "I don't consider her a bona fide songwriter." Unlike the writers in these other cases, he has the resources and the resumé to keep fighting for his rights.

"I'm trying to defend one of my children," he says.

Again, unlike in the other cases, Swirsky's other "children" are famous, including "Tell It to My Heart" for **Taylor Dayne**, and "Love Is a Beautiful Thing" for **Al Green** — currently heard in an Almay commercial.

He's had songs recorded by **Celine Dion**, **Rufus Wainwright**, **Smokey Robinson** and **Air Supply**. His own new album, "Instant Pleasure," full of Beatlesque pop songs, can be heard at [**www.sethsroom.com**](http://www.sethsroom.com/).

**George Harrison and the Chiffons**

**http://www.benedict.com/Audio/harrison/harrison.aspx**

**The Fine Lord**

*George Harrison* was sued for his song *My Sweet Lord* for allegedly infringing the copyright on the song *He's So Fine* composed by Ronald Mack and performed by *The Chiffons*. The copyright was assigned to Bright Tunes Music Corp. *He's So Fine* was a top hit in 1963, along with *Louie, Louie*, *The Wanderer* and *Surf City*.

*Harrison's* song *My Sweet Lord* was released in 1970 on the album *All Things Must Pass* and subsequently re-released on *Best of George Harrison* . Harrison claimed that he did not knowingly appropriate the melody of the the Chiffon's song.

**Subconscious
Appropriation**

The court in ***Bright Tunes Music Corp. v. Harrisongs Music, Ltd.,*** *420 F.Supp. 177 (1976)*, concluded that George Harrison had indeed infringed upon the copyright of *He's So Fine* . The decision was unique in that the court acknowledged that Harrison may have unconsciously copied the tune. The court stated:

"His subconscious knew it already had worked in a song his conscious did not remember... That is, under the law, infringement of copyright, and is no less so even though subconsciously accomplished."

**Smoking Motifs**

**Motif A**


**Motif B**


**Motif C**


In making its determination, the court looked at the structure of the two songs in question. *He's So Fine* consists of four repetitions of a short musical phrase - Motif A, followed by four repetitions of Motif B. The second use of the Motif B series includes a unique grace note, illustrated in Motif C.

*My Sweet Lord* has a very similar structure in that it consists of four repetitions of Motif A , followed by three repetitions of Motif B. Particularly telling, however, is that the fourth repetition of Motif B includes the grace note illustrated in Motif C. It is possible that this grace note is what pushed the court over the edge in determining infringement.

In the course of its opinion, the court seems to imply that the infringement was really Billy Preston's fault. Apparently, George and Billy were jamming in Copenhagen when they started to riff off of Motif A. However, when they were recording the song back in London, Billy was the the principal musician while George was engineering the sessions. In the process of polishing the riffs into a song at this session, the Motif B and Motif C combinations came to be added to the original Motif A.

**Coldplay plagiarism lawsuit dismissed by judge**

Guitarist Joe Satriani claimed the band copied his instrumental If I Could Fly for their own track Viva La Vida, but an out-of-court-settlement now seems to have been reached

* [Sean Michaels](http://www.guardian.co.uk/profile/seanmichaels)
* [guardian.co.uk](http://www.guardian.co.uk/), Wednesday 16 September 2009 06.28 EDT



Case closed ... Coldplay have settled their plagiarism dispute with Joe Satriani

On Monday, while the world raged over [Kanye West's interruption of ingenue Taylor Swift](http://www.guardian.co.uk/music/2009/sep/14/kanye-west-taylor-swift-vmas), [Coldplay](http://www.guardian.co.uk/music/coldplay) quietly settled the copyright infringement lawsuit by Joe Satriani. According to court documents, Satriani's case against the British band was dismissed "upon stipulation" by California's central district court.

Satriani, a celebrated guitarist who has played with Mick Jagger and Deep Purple, [alleged that Coldplay copied his 2004 instrumental track](http://www.guardian.co.uk/music/2008/dec/11/coldplay-law-copyright-satriani), If I Could Fly, for their hit song Viva La Vida. He sued them in December, demanding damages and "any profits attributable to the alleged copyright infringement".

"With the greatest possible respect to Joe Satriani," Coldplay replied in a statement, "if there are any similarities between our two pieces of music, they are entirely coincidental, and just as surprising to us as to him." After Satriani's lawyers [finally tracked the band down](http://www.guardian.co.uk/music/2009/feb/05/coldplay-joe-satriani-lawsuit-grammys), Coldplay asked that the case be heard in a jury trial.

In the filing posted 14 September, judge Dean D Pregerson dismissed the case and ruled that each party would "bear [their] own cost" for the litigation. The stipulation, er, "upon stipulation" suggests that the parties came to an out-of-court settlement – most likely that Coldplay paid Satriani off.

Although there is no evidence that Chris Martin and Coldplay directly copied Satriani's song, court precedents make copyright infringement cases very sticky. [George Harrison](http://www.guardian.co.uk/music/georgeharrison) was famously found to have "subconsciously plagiarised" the Chiffons' He's So Fine for his track, My Sweet Lord.

Neither Coldplay nor Satriani have commented on the end of the proceedings.

**Blurred Lines' singer Robin Thicke accused of plagiarism as Marvin Gaye's family launches lawsuit**



[Tim Walker](http://www.independent.co.uk/biography/tim-walker) 

Los Angeles

Thursday 31 October 2013

http://www.independent.co.uk/arts-entertainment/music/news/blurred-lines-singer-robin-thicke-accused-of-plagiarism-as-marvin-gayes-family-launches-lawsuit-8916593.html

Robin Thicke’s “Blurred Lines” was the biggest song of the summer. Now, however, the hit single is the subject of a legal battle about the indistinct boundaries between influence and artistic theft.

The family of Marvin Gaye claims in a lawsuit that Thicke’s chart-topper plagiarised  the late soul superstar’s 1977 track, “Got to Give it Up”. Gaye’s children Nona and Frankie said Thicke has a “fixation” on their father’s work, but that music publisher EMI failed to take action due to a conflict of interest in its relationships with both artists.

Released in March, “Blurred Lines” spent 12 consecutive weeks at the top of the Billboard Hot 100 chart and was bought more than six million times. In August, Thicke filed a pre-emptive lawsuit to head off allegations that the song borrowed illegally from Gaye. This week, the Gaye family filed a counterclaim, claiming not only that “Blurred Lines” was plagiarised, but that Thicke also stole from another of Gaye’s songs, “After the Dance”, for his 2011 single “Love After War”.

In an interview with GQ magazine, shortly after the release of “Blurred Lines”, Thicke explained the song’s provenance, saying: “[Producer] Pharrell [Williams] and I were in the studio and I told him that one of my favourite songs of all time was Marvin Gaye’s ‘Got to Give It Up’. I was like, ‘Damn, we should make something like that, something with that groove’. Then he started playing a little something and we literally wrote the song in about a half hour and recorded it.”

Yet in a subsequent interview with the website TMZ – after he had filed his pre-emptive lawsuit – the singer apparently denied thinking of Gaye’s work while writing the song. In their countersuit, Gaye’s children cite several leading music critics who noted the similarities between Thicke’s hit and Gaye’s, as well as a report by musicologist Judith Finell which reportedly points to multiple parallels in the two tracks. The family describes Thicke’s work as “blatant copying of a constellation of distinctive and significant compositional elements of Marvin Gaye’s classic No 1 song”.

The suit also targets song publisher EMI, which is owned by Sony/ATV. Though the Gaye family holds the rights to the two Marvin Gaye hits in question, EMI presently controls the administration and protection of their copyrights. The firm is also a co-publisher of the producer Williams’ work, and thus also enjoys co-ownership of “Blurred Lines”. The Gaye family claims EMI’s chairman accused them of “killing the goose that laid the golden egg” by making their suspicions about the song known and thus jeopardising its chances to win a Grammy award. The claims have yet to be tested.

In August it was reported that Thicke had offered the Gayes a six-figure settlement to prevent a legal battle, but that they had refused the offer. That story was false, the Gayes claim. They want EMI deprived of any profits from “Blurred Lines” – and denied control of their father’s catalogue.

Thicke’s lawyer told The Hollywood Reporter that the family’s claims were baseless. “EMI consulted their own expert musicologists who gave the same opinion our three musicologists gave: the genres of the songs are the same, the notes are different,” King said. “So whether or not plaintiffs are fans of Marvin Gaye is irrelevant; no infringement occurred here.”

**Robin Thicke ‘Love After War’/Marvin Gaye ‘After the Dance’**

The andante tempo is the same, and the soul-sounding instrumentation similar. The falsetto vocal of Thicke’s chorus shares a striking similarity with Gaye’s, but the chord progressions sound different.

**Robin Thicke ‘Blurred Lines’/Marvin Gaye ‘Got to Give it up’**

The high-pitched whoops, the bass groove and the high-end cowbells give the songs an undeniably similar vibe. But they differ melodically.

**Robin Thicke ‘Make U Love Me’/Marvin Gaye ‘I Want You’**

Thicke’s song has been accused of using identical lyrics (“And I want you/ And how I want you to want me” versus Gaye’s “Want you to want me, baby, just like I want you”). They are mining the same theme and that’s where the similarities end.

# Katy Perry accused of ripping off other musicians: Music producer claims singer stole lyric video concept for new single ‘Roar’

## Within days of releasing her new single, the pop star has been accused of stealing ideas from two fellow musicians.

BY [Chiderah Monde](http://www.nydailynews.com/authors?author=Chiderah%20Monde)

NEW YORK DAILY NEWS

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WireImage/GettyImages The pop star released ‘Roar’ on August 12, but has already faced criticism for the song’s music and lyric video. Electronic producer Dillon Francis claims she ripped off his music video.

[Katy Perry](http://www.nydailynews.com/topics/Katy%2BPerry)'s newest single "Roar" is definitely being heard loud and clear across the world — by Wednesday morning it had already charted at No. 1 in 60 countries.

But the "Wide Awake" singer has also dealt with a fair amount of backlash in the few days since the song's August 12 release.

For one thing, "Roar" has been widely compared to Sara Bareilles' catchy pop song "Brave," which was released earlier this year — and of which Perry was a fan.

Even though the two songs feature a similar drum beat and bouncy piano in the background, the similarities stop there. "Brave" takes an inspirational tone, while "Roar" is an angrier declaration.

But Internet critics wouldn't let it go. There was even a [mash-up made](http://popculturebrain.com/post/58069632801/portkey-listen-katy-perrys-roar-layered) on one website to show just how close Perry, 28, comes to stealing Bareilles' shine.

The "Teenage Dream" singer has kept quiet about the comparisons, but on Saturday Bareilles, 33, simply tweeted "All love, everybody. All love."

After all, it isn't the first time pop songs have sounded slightly — [or even exactly](http://www.huffingtonpost.com/2009/07/27/kelly-clarkson-loses-figh_n_245243.html) — the same.

Then, when Perry [released her lyric video](http://www.nydailynews.com/entertainment/music-arts/listen-katy-perry-new-single-roar-leaked-online-article-1.1423927) for "Roar" on Monday, the pop superstar was hit again with accusations of stealing her video concept from electronic music producer Dillon Francis.

This time the claims came directly from Francis, 25, who tweeted that Perry and her team stole from the music video for his song "Messages."

"Now [Katy Perry] steals my 'messages' music video idea… what the f--k?," the musician wrote on Monday, before sharing Perry's video with his fans and addressing her directly to ask "why?"

The concept he alludes to involves a series of emoticons and text messages used to write out lyrics in a song, similar to the text messaging style used on smartphones.