

Insights: Publications

Williams v. Gaye: Blurring the Lines of Copyright Infringement in Music

Berkeley Technology Law Journal

April 30, 2020

This Note evaluates the Ninth Circuit's decision in *Williams v. Gaye*, where the court held that the global best-selling single of 2013, "Blurred Lines," infringed Marvin Gaye's copyright in his 1977 hit song "Got to Give It Up." The Note argues that the Ninth Circuit's decision fails to distinguish between legally protectable and unprotectable elements in music and thus imposes a chilling effect on musical creativity and innovation by allowing composers to seek copyright protection over entire styles and grooves. Specifically, this Note shows how a particular limiting doctrine of copyright law, the *scènes à faire* doctrine, constitutes an already-existing yet underutilized tool that can bring into legal consideration the tradition and necessity of sharing common elements in music.