

Wesley Lewis in Law.com: Skilled in the Art: Blurred Lines

March 26, 2018

PRACTICES Intellectual Property Litigation, Media and Entertainment Litigation, Copyright

Law.com's Scott Graham quoted Haynes Boone Associate Wesley Lewis in the "Skilled in the Art" intellectual property news briefing in a recap of the appellate ruling involving a copyright dispute over the 2013 hit single "Blurred Lines."

A panel of the 9th U.S. Circuit Court of Appeals on March 21 upheld a \$5.3 million jury verdict against entertainers Pharrell Williams and Robin Thicke for infringing Marvin Gaye's "Got to Give It Up" from 1977.

Graham [called the appellate ruling](#) in *Williams v. Gaye* "kind of a letdown" and said it "didn't seem to set a lot of precedent."

He also wrote:

Haynes Boone associate Wesley Lewis has been teaching *Williams v. Gaye* as part of Harvard Law School's CopyrightX online course. He said he agreed with a lot of the theory and policy criticisms raised by dissenting Judge Jacqueline Nguyen. "It would be trouble to allow people to copyright a musical style or groove" as seems to have happened in *Williams*. But he also said Nguyen hadn't made a persuasive case for why those criticisms should trump the jury verdict given the procedural posture of the case.

"I'll be curious to see if this ruling exerts a chilling effect on the industry," he said. Artists might become reluctant to publicly discuss their influences, since a magazine interview in which Thicke praised "Got to Give It Up" was used against him in the litigation.

Graham noted that Lewis said the Ninth Circuit avoided one of the big-ticket issues in the case: Whether juries should be allowed to hear recordings of allegedly infringed music as performed by the author, rather than stripped down versions of the sheet music, in cases governed by the Copyright Act of 1909. ... Lewis says yes. The Ninth Circuit left that issue for the next case.

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