



IP ITeasers Post 014:

Lyrical Litigation

This week has seen Ed Sheeran give evidence in a copyright dispute which is currently being heard in the High Court. Songwriters Ross O'Donoghue and Sami Chokri (who performs under the name Sami Switch) have contended that the "*Oh I*" hook in Sheeran's 2017 hit *Shape of You* is "*strikingly similar*" to a segment of their 2015 track *Oh Why*. During cross-examination, Sheeran has denied that any copying took place, and denied that he had heard *Oh Why* prior to the time at which *Shape of You* was written.

Sheeran is not the first high-profile musical artist to be faced with allegations of copying. The similarities between the 1990 Vanilla Ice track *Ice Ice Baby* and Queen and David Bowie's 1981 track *Under Pressure* gave rise to a dispute which ended in an out-of-court settlement. Both Queen and David Bowie were thereafter granted songwriting credits on the track. Other examples abound - including the dispute (settled in 2018) which arose from alleged similarities between Lana Del Rey's 2017 track *Get Free* and Radiohead's 1992 track *Creep*.

Musical artists invariably draw inspiration from the earlier works of others. But how should the law draw the line between an acceptable homage and unacceptable copying?