



CASE STUDY

ED SHEERAN COPYRIGHT INFRINGEMENT CASE

At the end of his direct testimony, Ed Sheeran, one of today's most talented singer-songwriters, said he would be "done" as a songwriter if he did not prevail in defense of his hit song "Thinking Out Loud," which he co-authored with Amy Wadge. Thankfully, the jury agreed that the grammy-winning 2014 song was written independently. That verdict took on added importance after a rising tide of similar lawsuits since the verdict against Robin Thicke and Pharrell Williams for copyright infringement of "Got to Give It Up" in 2015.

FTI Consulting was asked to provide trial technology and demonstrative graphics in this high-profile litigation, supporting defense counsel Pryor Cashman, led by Don Zakarin and Ilene Farkas along with Andrew Goldsmith and Brian Maida.

Our team, led by Scott Duval, ensured the presentation to a New York jury went exactly as needed throughout the six-day trial. Music copyright disputes rarely make it to trial, and when they do, the presentation of media becomes front and center. Elements such as sound recordings, sheet music, expert testimony, and even live performance must come together seamlessly, requiring extensive planning and preparation with the trial team.

Our team also strove to deliver creative solutions, such as an interactive graphic for use during Mr. Sheeran's direct testimony, highlighting 10 years of his musical accomplishments. We also assisted the musicologist who highlighted the differences in the works through demonstratives, performed at a keyboard alongside the witness stand, and had access to countless examples of prior art.

After the six-day trial, the jury returned the favorable verdict, confirming that Ed Sheeran's and Amy Wadge's song "Thinking Out Loud" had been independently created and did not copy from Plaintiff's work.

"Scott and his team at FTI [Consulting] were indispensable partners with us in preparing and presenting our evidence. Music copyright infringement cases require that jurors be presented with evidence they can see as well as hear and FTI's aural and visual demonstratives were critically important."

Ilene Farkas

Partner, Pryor Cashman
Defense Team Lead