



# FTI Consulting Trial Team Bolsters Ed Sheeran's Music Copyright Defense

FTI Consulting provided key trial technology for musician and songwriter Ed Sheeran's defense in copyright infringement litigation involving his Grammy Award-winning 2014 hit song, "Thinking Out Loud."

## SITUATION

A playful mashup by Ed Sheeran of his and Amy Wadge's song "Thinking Out Loud" and Marvin Gaye and Ed Townsend's "Let's Get It On" at a concert, which a fan uploaded onto YouTube, led to a high-profile music copyright dispute that lasted several years. The estate of Ed Townsend sued Sheeran, Warner Music Group and Sony Music in 2017 for copyright infringement (Griffin et al v. Sheeran et al). Music infringement cases are challenging as many songs share common building blocks and demonstrating the differences between them on trial is difficult. In music copyright trials, ensuring that technology in the courtroom can support a presentation is crucial so that jurors can evaluate differences in music through sight and hearing. Sheeran's legal counsel Pryor Cashman LLP engaged FTI Consulting's Trial & Arbitration Support consultants to ensure a smooth presentation in the courtroom.

## OUR ROLE

- The FTI Consulting team delivered trial technology and illustrative graphics bolstering the defense's case in the six-day jury trial.
- FTI Consulting Trial & Arbitration Support experts evaluated courtroom technology, ensuring that audio and interactive visual effects worked and were strategically placed so that testimony by the expert witness, Ed Sheeran and additional fact witnesses took place without technical issues.
- FTI Consulting assisted the musicologist in highlighting the differences between the two works through on-screen demonstrations, displays of numerous examples of prior songs with the same chord progression and a live keyboard performance alongside the witness stand.

## OUR IMPACT



In May 2023, in the case of Griffin et al v. Sheeran et al, the jury unanimously determined that Ed Sheeran and Amy Wadge's song was independently created and did not infringe on the work of Marvin Gaye and Ed Townsend.



Ilene Farkas, who led Pryor Cashman LLP's defense team, called FTI Consulting's work "indispensable," adding that such cases require "jurors be presented with evidence they can see and hear, and FTI Consulting's aural and visual demonstratives were critically important."



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