

Tempo Music Investments Attempts to Take a Wrecking Ball to Miley Cyrus' Song Flowers

AUTHOR: TRACEY TRUITT

Tempo Music Investments ("Tempo Music") has sued Miley Cyrus for copyright infringement claiming that there are "striking similarities" between her song "Flowers" and the song "When I Was Your Man" by Bruno Mars. Court documents claim "'Flowers' duplicates numerous melodic, harmonic, and lyrical elements of 'When I Was Your Man,' including the melodic pitch design and sequence of the verse, the connecting bass-line, certain bars of the chorus, certain theatrical music elements, lyric elements, and specific chord progressions". The lawsuit claims that "Flowers" is a derivative work of "When I Was Your Man" that was created without authorization. Tempo Music has demanded that Cyrus and the other listed defendants stop reproducing, distributing or publicly performing the song. They are also seeking an undetermined amount of damages.

Tempo Music claims to have acquired a share of the copyright interests to "When I Was Your Man" from Philip Lawrence. Lawrence co-wrote the song with Mars, Ari Levine and Andrew Wyatt. Mars is not listed as a plaintiff in the lawsuit.

In the complaint, Tempo Music points out the alleged similarities of the lyric elements of the two songs, specifically between a verse and a chorus in "When I Was Your Man" and the chorus of "Flowers." Pointing out the similar lyrics about buying flowers, holding hands, talking for hours, and dancing, Tempo Music alleges "the musical similarities are no coincidence." To prevail in their copyright case, Tempo must be able to prove "access" and "substantial similarity." Given the popularity of "When I Was Your Man", access should be a given, so it will all come down to whether the songs are substantially similar. For those of you that are wondering, there is no bright line for what constitutes substantial similarity. Listen to both songs and ask yourself, are they substantially similar? For now, it will be up to a court to decide unless a settlement is forged between the two sides.