

the tonal center is G.¹ Both songs contain tones of the major scale as well as tones outside of the major scale (such as the lowered third and seventh scale steps and the raised fourth scale step, often associated with the “blues” scale). However, we follow common practice in the report below, by showing both songs in the context of the key of A major (based on the tonal center of “Got to Give It Up”), for ease in comparison.²

5. The above recorded works will be referred to in the report below as “Give It Up” and “Blurred,” respectively.

Preliminary Conclusions

6. A preliminary review comparing “Give It Up” and “Blurred” has revealed a constellation of eight substantially similar features thus far, although a more comprehensive review would likely identify additional significant and substantial similarities between the works. Their substantially similar elements in both their vocal melodies and instrumental accompaniments occur simultaneously in each work, coinciding to form a similar “constellation” of features.

7. The two songs’ substantial similarities surpass the realm of generic coincidence, reaching to the very essence of each work.

8. In listening to these two songs, the ordinary “lay” listener would likely recognize the substantial similarities between them.

9. Both songs are comprised of multiple vocal and instrumental themes. The primary vocal melodic themes in “Blurred” are as follows: the signature phrase (sung to the lyrics “And that’s why I’m gon’ take a good girl”), the hook (“take a good girl,” “You’re a good girl,” and so

¹ “Key” refers to the tonal center or primary pitch of a musical composition, and to the scale or series of pitches that create the melodic and harmonic material of the music. Whether a key is “major” or “minor” is determined by the series of pitches in the scale. Within the tradition of music in our Western culture, the most common scales are called “major scale” and “minor scale,” each containing seven tones. The first tone is the foundation of the scale, and is also referred to as the “tonic” or “home.”

² In the key of A major, the pitches (tones) are A, B, C-sharp, D, E, F-sharp and G-sharp. The lowered third scale step is C-natural, the lowered seventh scale step is G-natural, and the raised fourth scale step is D#.

14. In comparing the first occurrences of the signature phrases (found at :19 seconds in “Give It Up” and at :47 seconds in “Blurred”), both songs share the following identifying elements:

- a. Both repeat their starting tone several times
- b. Both contain the identical scale degree sequence of 5-6-1 followed by 1-5⁵
- c. Both contain identical rhythms for the first six tones⁶
- d. Both use the same device of a melodic “tail” (melisma) on their last lyric,

beginning with the scale degrees 1-5⁷

- e. Both contain substantially similar melodic contours (melodic outlines/design).⁸

See Musical Examples 1A and 1B below, where brackets show the above similar elements a, b, c, and d, and identical scale degrees are indicated with arrows.⁹

⁵ “Scale degrees” refer to the position in a particular scale of each tone. The traditional scale contains seven consecutive tones, and, for example, in the scale of C major, the tone C is scale degree 1, D is scale degree 2, E is scale degree 3, and so on. Two melodies containing a similar series of scale degrees with similar rhythms usually sound similar.

⁶ Rhythm describes the duration of one tone or rest (silence) followed by the next. Rhythms are defined by the length of beats they occupy. For example, a quarter note usually occupies one beat, an eighth note a half beat, a sixteenth note a quarter beat, and so on.

⁷ A “melisma” describes a vocal melody in which one syllable or lyric is held while sung with several successive pitches, rather than a single pitch for each syllable.

⁸ Melodic “contour” describes the overall “shape” of a melody, whether it rises or lowers in register (going up to a higher note or down to a lower note) as it progresses on its course from one note to the next.

⁹ In all musical examples in this report, “Blurred” (in the key of G major on the recording) is transposed to the key of “Give It Up” (A major) for the purposes of comparison. “Transpose” refers to the process of changing a melody line (or chords) to another key. This does not change the recognizability nor internal relationships between notes. In other words, a transposed melody sounds virtually the same as its original version. Transposition is a necessary and musicologically valid process required when musically comparing two different melodies.

vocal melody throughout Bars 8-56 and 80-113 (out of 118 bars in total) in “Give It Up.”¹¹

17. In “Blurred,” the main vocal melody also contains phrases that are outgrowths of this similar material, such as the melodies sung to the lyrics “What do they make dreams for, when you got them jeans on, what do we need steam for?” (at 1:21) and “I got this from Jamaica...Dakota to Decatur” (at 3:15), where many of the identical scale degrees are found in reverse order as compared to “Give It Up.”

Similarity 2: Hooks

18. The first occurrence of the hook in “Blurred,” located within its signature phrase (described above), is sung to the lyrics “take a good girl.” This melody in “Blurred” is very similar to one of the hook phrases in “Give It Up,” sung to the lyrics “Keep on dancin’.”

19. In “Blurred,” this first hook occurrence is heard at :49 and is repeated later in the song. In “Give It Up,” this hook is repeated seven times at four-bar intervals starting at 3:12. See Musical Examples 2A and 2B below for a comparison of these hooks, where identical scale degrees are indicated with arrows.

¹¹ Musical pieces are divided into groups of beats, and each group is referred to as a “bar” or “measure.” In describing a musical piece, one usually refers to the location within a piece by bar number. The number of beats per bar is usually two, three, four, or six. In musical notation, bars are separated by vertical lines called “bar lines.”

Musical Example 3A: “Give It Up” Hook with Backup Vocals

3:12

Keep on dan - in'

Musical Example 3B: “Blurred” Hook with Backup Vocals

:49

take a good girl

Similarity 4: Core Theme in “Blurred” and Backup Hook in “Give It Up”

21. In “Blurred,” the core material of the song’s verse (Theme X) is substantially similar to the backup hook (Theme X) in “Give It Up.”¹²

22. Theme X in “Give It Up” is sung 28 times in the backup vocals to the lyrics “Dancin’ lady,” starting at 3:13. In “Blurred,” Theme X is introduced as the first phrase of the verse section (at :18) with the lyrics “If you can’t hear,” and it serves as the melodic core from which much of the remaining vocal material throughout the entire song is developed.

23. In comparing Themes X in “Give It Up” and “Blurred,” the songs share the following substantially similar elements:

a. Scale degrees: In “Give It Up,” Theme X contains scale degrees 3-3-#2-3. In “Blurred,” the same scale degrees are found in numerous phrases in various ways, including in

¹² Musical works are divided into smaller sections, much as books are divided into chapters. In popular songs, these sections are often alternating “choruses” and “verses,” as well as transitional sections such as “bridges” and “interludes,” and ending sections called “codas” or “outros.”

Musical Example 4A: “Give It Up” Backup Hook - Theme X

3:13 Dan-cin' la - dy Dan-cin' la - dy Dan-cin' la - dy

Musical Example 4B: “Blurred” Theme X (Verse 1, Phrases 1 and 3)¹⁶

in reverse order R R R R in reverse order R R R R

:18 If you can't hear If you can't read

Musical Example 4C: “Blurred” Theme X (Verse 2, Phrases 1 and 3)

:34 O-kay, now he was close But you're an an - i - mal

26. Theme X also occurs within the signature phrase of “Blurred,” (shown above in Musical Example 1B) sung to the lyrics “And that’s why I’m” (at :47). See Musical Example 4D below.

Musical Example 4D: “Blurred” Theme X (as found in Signature Phrase)

:47 And that's why I'm

¹⁶ In Musical Example 4B, Theme X in “Blurred” is transposed down one octave for the purposes of comparison.

Musical Example 5A: “Give It Up” Backup Hook - Theme X

3:13 Dan-cin la-dy Dan-cin la-dy Dan-cin la-dy

Musical Example 5B: “Blurred” Backup Hook¹⁸

:09 Hey, hey, hey Hey, hey, hey Hey, hey, hey

Similarity 6: Bass Melodies

29. The bass lines in Bars 1-4 of both songs are similar in their scale degrees and rhythms.¹⁹ Although not identical, they share many of the same distinctive syncopated rhythms, in the same locations and often with identical scale degrees, which makes them sound very similar.²⁰

See Musical Examples 6A and 6B below, where identical rhythms for both pitches and rests are indicated with “x,” and identical scale degrees are indicated with arrows.²¹

¹⁸ The similar melodies, Theme X in “Give It Up” and the backup hook in “Blurred,” differ in scale degrees. The similarity due their shared use of chromatic tones is heard nonetheless. Musical Example 5B shows the phrase “Hey, hey, hey” with the same ending pitch as in Musical Example 5A, for the purposes of comparison. In order to show this accurately within the context of a key, Musical Example 5B is shown in the key of F# major.

¹⁹ “Blurred” also contains a pre-intro bar, Bar 0, heard at :00-:02 on the recording.

²⁰ “Syncopation” refers to a disturbance of the normal pulse within the music, which creates an uneven effect, such as a short rhythm, followed by a long rhythm. This is found in such songs as George Gershwin’s “I Got Rhythm.”

²¹ A rest is a period of silence within a melody. Rests are assigned specific rhythmic values, just the same as if they were notes. Consequently, a whole rest in a traditional four-beat bar would last four beats, a half rest two beats, a quarter rest one beat, and so on. The rests are one of the distinctive features in both songs’ bass lines here.

Musical Example 6C: “Give It Up” Descending Bass Melody

:28

Musical Example 6D: “Blurred” Descending Bass Melody

:16

Similarity 7: Keyboard Parts

32. The keyboard parts in both songs are very similar, containing chords in rhythms that emphasize the offbeats, performed with staccato articulation.²³ Additional similar elements include:

a. Shared pitches: the keyboard part in “Blurred” alternates between two chords, with each chord repeated consecutively for four bars at a time, for the entirety of the song. In Chord 1 of “Blurred,” two out of three pitches in each iteration are identical to the first chord in “Give It Up” (first heard in consecutive repetition in Bars 1-16 of the song). In Chord 2 of “Blurred,” two out of three pitches in each iteration are identical to the third chord of “Give It Up” (first heard in Bar 18).

b. Both songs contain a distinctive rhythmic feature in which the keyboard stops

²³ Musical phrases are divided into groups of beats, which alternate between strong and weak beats. The “off beat” represents a tone that is struck after the main part of the beat and is considered to be in a weaker position than if it were to occur immediately on the beat. This technique often results in a distinctive rhythm, as is the case here. In music performance, articulation refers to the manner in which a particular note or group of notes is physically performed; for example, short, with a sharp attack (“staccato”); smoothly connected (“legato”); long but separated, and so on.

playing on beat 4, creating a rhythmic suspension until the following bar. This first occurs in Bar 2 in “Give It Up,” and in Bar 1 (followed by Bar 2) in “Blurred.”

See Musical Examples 7A and 7B below for excerpts comparing the keyboard parts in Bars 1-2 in “Blurred” (Chord 1) and Bars 1-2 in “Give It Up.” Scale degrees are stacked vertically above tones that are played simultaneously; arrows indicate identical scale degrees, and brackets indicate repeated scale degrees.

Musical Example 7A: “Give It Up” Keyboard Bars 1-2

Musical Example 7B: “Blurred” Keyboard Bars 1-2

Similarity 8: Unusual Percussion Choices

33. Both songs contain two very prominent percussion lines with distinctive sonorities, as described below:²⁴

- a. Cowbell part: both songs contain syncopated rhythms played by

²⁴ “Sonority” refers to the quality of a sound, such as that of a particular instrument, and is one element that contributes to the distinctiveness of a given recording.

cowbell.²⁵ Although their cowbell parts are not identical, this feature performs the same function in both songs, adding a very specific color and identity to the rhythm section. The cowbell part is a shared deviation from the standard drum set instrumentation, and it is an indispensable feature in both songs' identities.

b. Open hi-hat playing on the second half of beat 4 occurs in both songs.²⁶

In "Give It Up," the open hi-hat is introduced prominently even before the bass and keyboard enter, launching the instrumental introduction, and it appears repeatedly throughout the song. In "Blurred," the open hi-hat appears prominently in every second bar throughout the song. In both songs, this open hi-hat rhythm is placed on the weakest beat of the bar, creating a distinctive "splash" that is in sharp contrast to the stable rhythms of the drums. This identical open hi-hat rhythm is crucial to the character of both songs.

34. The above similarities are somewhat unusual and represent the same specific creative choices made by the composers of both songs.

Constellation of 8 Similar Features

35. In both "Give It Up" and "Blurred," Similarities 6-8 (found in the instrumental accompaniment) function as a group of simultaneously occurring features, repeated continuously throughout both songs. These similar features combine to drive both works. Similarities 1-5 are the defining phrases in the vocal melodies of "Give It Up" and "Blurred." When they occur, they always appear simultaneously with the group of features, Similarities 6-8.

Additional Distinctive Similarities

36. The scoring and arrangement choices represented in the recordings enlarge the circle

²⁵ A cowbell is a metal percussion instrument with a distinctive sound.

²⁶ A hi-hat is one of the instruments found in a standard drum set. It is constructed of two cymbals placed horizontally on a stand and connected to a pedal, that when pressed and released, opens and closes the two cymbals against each other to create a muted percussive sound. It can also be played by striking it with a drumstick or brush, either with the cymbals brought together ("closed") or kept apart ("open"), as is the sound represented here.

of similarities to the listener. For example, the songs both use the same instrumentation and sonorities for their similar instrumental material.

37. Both songs use distinctive falsetto in their vocal parts.²⁷

38. Both songs deviate from the norm in their instrumental scoring by omitting a guitar.

39. Both songs contain party noises as one of the accompanimental elements throughout the song.

40. The above traits enhance the perception of similarity between “Give It Up” and “Blurred” and represent additional shared creative choices made by the composers of both songs.

Summary

41. “Give It Up” and “Blurred” both contain substantially similar constellations of defining features.

42. The substantial similarities found in “Give It Up” and “Blurred” surpass the similarities that result from their shared genre, and are the result of many of the same deliberate creative choices made by their respective composers. Consequently, rather than merely resembling one another stylistically, these two works sound substantially similar in many of their most distinctive features.

43. Many of the main vocal and instrumental themes of “Blurred” are rooted in “Give It Up,” particularly the signature phrase, vocal hook, backup vocal hook, their variations, and the keyboard and bass lines in “Blurred” as discussed above. In addition, the shared departures from convention, such as the unusual cowbell instrumentation, omission of guitar, and use of male falsetto, all contribute further to the finding of substantial similarity here.

44. In listening to these two songs, the ordinary or “lay” listener would likely recognize

²⁷ Falsetto is a singing technique in which a singer vocalizes outside his or her normal vocal range. In this case, the male singer sings in the high register of a female voice, which is distinctive.

similarities between them.

45. This is a preliminary report comparing “Give It Up” and “Blurred.” The substantial similarities include, but are not necessarily limited to, the features compared here. Further study would likely identify additional important similarities between these two works.

46. I have listened independently to the works compared in this report. I believe that the ordinary observer would recognize the substantial similarities between these songs. I have also read of the many opinions regarding this case on the internet, and understand why so much of the lay public finds the two songs so similar.

47. It is improbable that a single third-party work could be found that would contain all of these similar features coinciding in a similar “constellation” as described above. Our preliminary conclusion is that it is that “Blurred” was not created independently of “Give It Up.”

Report submitted on October 17, 2013 by:

A handwritten signature in black ink that reads "Judith Finell". The signature is written in a cursive, flowing style.

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