# Ed Sheeran unveils new song inspired by legal battle during surprise Radio 1 Big Weekend set



Ed Sheeran made a notable return to the public eye with a surprise appearance at Radio 1's Big Weekend, held over the weekend in Liverpool. During this event, the 34-year-old singer unveiled a new song titled "Old Phone," which draws inspiration from his recent legal challenges surrounding his hit "Thinking Out Loud." This song, he revealed, was conceptualised while sifting through an old phone as part of the evidentiary process during his $100 million copyright trial.

Sheeran faced serious allegations that "Thinking Out Loud" had appropriated elements from Marvin Gaye's classic "Let's Get It On." However, a Manhattan jury ultimately cleared him of any wrongdoing in May 2023. The ruling came after an intense legal saga that highlighted the ongoing debates surrounding copyright in the music industry. The case had become emblematic of the precarious nature of artistic creation in an era where many creators fear being pursued over claims of plagiarism.

Recalling the emotional journey of the trial, Sheeran expressed to the Big Weekend crowd that his old phone contained conversations and memories from a decade prior, including exchanges with individuals who had passed away. "There were arguments with an ex-girlfriend, text messages, and pictures from people I haven't seen or spoken to in ten years, and I wrote this song about it," he shared. His performance was an emotional reclaiming of his artistic freedom, a sentiment mirrored by fans who gathered rapidly once news of his surprise act spread.

The legal battles that Sheeran faced did not end with the initial verdict. In November 2023, he successfully defended himself against an appeal from Structured Asset Sales (SAS), a company claiming ownership rights in Gaye's music. The U.S. Court of Appeals upheld the earlier ruling, affirming that the alleged similarities between the songs were too commonplace to warrant copyright protection. This outcome underscores a growing recognition within the legal framework about the importance of fostering creativity versus protecting ownership rights.

Sheeran articulated his frustration about the implications of such lawsuits, noting that they pose a chilling effect on songwriters. He poignantly remarked, "These chords are common building blocks… and should be there for all of us to use. No one owns them or the way they are played." His assertions resonate strongly with the current climate of copyright law, where the boundaries between inspiration and infringement often become blurred.

Meanwhile, during his performance, Sheeran treated fans to a medley of his greatest hits, including "Castle on the Hill" and "Shape of You." As he navigated through a set filled with personal and lyrical depth, the crowd enthusiastically engaged with the newly revealed song, signalling a warm reception for his continued musical evolution. His hour-long set concluded with "Bad Habits," leaving an audience eager for more.

Reflecting on his courtroom experiences, Sheeran mentioned the personal toll it took—a stark reality highlighted by his absence from his grandmother's funeral in Ireland. He conveyed, "It is devastating to be accused of stealing someone else's song when we put so much work into our livelihoods." Such sentiments echo the broader struggles faced by many artists navigating the treacherous waters of copyright claims, illustrating the intersection of personal loss and professional scrutiny.

Ultimately, Sheeran's recent surprise gig not only marked a return to live performance but also symbolised a major victory for creative autonomy. As potential third-party claims linger in the background, his story serves as a potent reminder of the fine line artists tread as they create, innovate, and inspire.

## Reference Map:

* Paragraph 1 – [[1]](https://www.dailymail.co.uk/tvshowbiz/article-14746129/Ed-Sheeran-copyright-trial-surprise-appearance-Radio-1s-Big-Weekend.html?ns_mchannel=rss&ns_campaign=1490&ito=1490)
* Paragraph 2 – [[2]](https://www.reuters.com/legal/ed-sheeran-beats-copyright-appeal-over-thinking-out-loud-2024-11-01/), [[4]](https://www.cnn.com/2023/05/04/media/ed-sheeran-verdict/index.html/), [[6]](https://www.euronews.com/culture/2023/05/05/ed-sheeran-wins-lets-get-it-on-copyright-infringement-trial)
* Paragraph 3 – [[3]](https://www.theguardian.com/music/2023/may/17/ed-sheeran-beats-second-lawsuit-over-thinking-out-loud-and-lets-get-it-on), [[5]](https://www.theguardian.com/music/2023/may/04/ed-sheeran-verdict-not-liable-copyright-lawsuit-marvin-gaye)
* Paragraph 4 – [[2]](https://www.reuters.com/legal/ed-sheeran-beats-copyright-appeal-over-thinking-out-loud-2024-11-01/), [[4]](https://www.cnn.com/2023/05/04/media/ed-sheeran-verdict/index.html/), [[6]](https://www.euronews.com/culture/2023/05/05/ed-sheeran-wins-lets-get-it-on-copyright-infringement-trial)
* Paragraph 5 – [[1]](https://www.dailymail.co.uk/tvshowbiz/article-14746129/Ed-Sheeran-copyright-trial-surprise-appearance-Radio-1s-Big-Weekend.html?ns_mchannel=rss&ns_campaign=1490&ito=1490), [[7]](https://www.france24.com/en/live-news/20230504-british-musician-ed-sheeran-wins-us-copyright-trial)
* Paragraph 6 – [[1]](https://www.dailymail.co.uk/tvshowbiz/article-14746129/Ed-Sheeran-copyright-trial-surprise-appearance-Radio-1s-Big-Weekend.html?ns_mchannel=rss&ns_campaign=1490&ito=1490), [[5]](https://www.theguardian.com/music/2023/may/04/ed-sheeran-verdict-not-liable-copyright-lawsuit-marvin-gaye), [[6]](https://www.euronews.com/culture/2023/05/05/ed-sheeran-wins-lets-get-it-on-copyright-infringement-trial)

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## Bibliography

1. <https://www.dailymail.co.uk/tvshowbiz/article-14746129/Ed-Sheeran-copyright-trial-surprise-appearance-Radio-1s-Big-Weekend.html?ns_mchannel=rss&ns_campaign=1490&ito=1490> - Please view link - unable to able to access data
2. <https://www.reuters.com/legal/ed-sheeran-beats-copyright-appeal-over-thinking-out-loud-2024-11-01/> - Ed Sheeran, along with Warner Music and Sony Music Publishing, successfully defended against an appeal alleging that Sheeran's 2014 hit 'Thinking Out Loud' copied Marvin Gaye's 1973 song 'Let's Get It On.' The U.S. Court of Appeals for the Second Circuit upheld a lower court's decision to dismiss the lawsuit brought by Structured Asset Sales (SAS), which owns part of the rights to the Gaye song. The court agreed that the elements Sheeran allegedly copied were too common for copyright protection and that requiring such protection could inhibit creativity. SAS claimed Sheeran copied key musical elements, but the court determined Sheeran's and Gaye's songs were not sufficiently similar for copyright infringement. This follows Sheeran's earlier court victory in May 2023 over Townsend's heirs regarding the same song. Structured Asset Sales' further lawsuit based on rights in Gaye's recording is currently pending.
3. <https://www.theguardian.com/music/2023/may/17/ed-sheeran-beats-second-lawsuit-over-thinking-out-loud-and-lets-get-it-on> - Ed Sheeran has defeated a second lawsuit that alleged he imitated Marvin Gaye’s 'Let’s Get It On' for his song 'Thinking Out Loud,' two weeks after he prevailed in another high-profile copyright case regarding the two songs. A district judge in Manhattan, Louis Stanton, dismissed the case that had been brought against Sheeran by Structured Asset Sales (SAS), a company owned by investment banker David Pullman. Pullman essentially owns a portion of 'Let’s Get It On,' namely part of the song’s copyright originally belonging to Ed Townsend, who wrote the song with Gaye in 1973. SAS had alleged 'the combination of the chord progression and the harmonic rhythm used in Thinking Out Loud is substantially similar to that in Let’s Get It On, and thus infringes the work.' But the judgment against SAS found that the chord progression that Sheeran was alleged to have copied for 'Thinking Out Loud' wasn’t unique enough to merit a copyright claim. 'That is especially true here where the chord progression and the harmonic rhythm (how the chord progression is played) in Let’s Get It On do not form a pattern, but instead essentially merge into one element,' the judgment reads. SAS’s case specifically alleged copyright infringement against the sheet music of 'Let’s Get It On.' Sheeran faces another pending lawsuit from SAS, related to the finished recorded version of 'Let’s Get It On,' which Pullman hopes will reach a jury trial.
4. <https://www.cnn.com/2023/05/04/media/ed-sheeran-verdict/index.html/> - A Manhattan jury found Ed Sheeran’s hit 'Thinking Out Loud' did not infringe on the copyright of the classic Marvin Gaye song 'Let’s Get It On.' The jury determined that Sheeran did not wrongfully copy compositional elements or melodies from 'Let’s Get It On.' Sheeran later said he is 'obviously very happy with the outcome of the case,' adding 'it looks like I’m not having to retire from my day job after all.' 'But at the same time I’m unbelievably frustrated that baseless claims like this are allowed to go to court at all,' he said. Sheeran said eight years were spent talking about two songs with 'dramatically' different lyrics melodies 'and four chords which are also different and used by songwriters everyday all over the world.' Sheeran also delved into the emotional toll of the trial for him, noting that it required him to miss being with his family for his grandmother’s funeral in Ireland. 'I will never get that time back,' he said. The trial concerned Sheeran’s song 'Thinking Out Loud,' which won the 2016 Grammy award for song of the year. The family of Ed Townsend, who co-wrote 'Let’s Get It On' with Gaye, had accused Sheeran of copying the 1973 hit. The plaintiffs had alleged similarities between the chord progression, harmonic rhythm, and certain melodies in the two songs. Sheeran’s legal team had argued that the melodies are different and the elements used in both songs are common in pop music. The case was closely watched for its potential to further complicate the legal landscape for songwriters, after a number of high-profile music copyright lawsuits in recent years.
5. <https://www.theguardian.com/music/2023/may/04/ed-sheeran-verdict-not-liable-copyright-lawsuit-marvin-gaye> - Ed Sheeran has been cleared of infringing copyright in a lawsuit over his hit song 'Thinking Out Loud,' which was alleged to have copied Marvin Gaye’s 'Let’s Get It On.' A Manhattan jury found that Sheeran had independently created his song and did not copy Gaye’s work. The trial had been brought by the heirs of Ed Townsend, who co-wrote 'Let’s Get It On' with Gaye. The plaintiffs had alleged that Sheeran's song was substantially similar to Gaye's, but the jury disagreed. Sheeran expressed relief and frustration after the verdict, stating that he was 'obviously very happy with the outcome of the case' but 'unbelievably frustrated that baseless claims like this are allowed to go to court at all.' He also mentioned the personal toll the trial had taken, noting that he missed his grandmother’s funeral in Ireland because of the proceedings. The case had been closely watched due to its potential implications for copyright law and the music industry.
6. <https://www.euronews.com/culture/2023/05/05/ed-sheeran-wins-lets-get-it-on-copyright-infringement-trial> - Ed Sheeran has won a copyright infringement trial over his song 'Thinking Out Loud,' which was alleged to have copied Marvin Gaye’s 'Let’s Get It On.' A New York jury found that Sheeran did not plagiarize Gaye's classic hit. The trial had been brought by the heirs of Ed Townsend, who co-wrote 'Let’s Get It On' with Gaye. The plaintiffs had alleged that Sheeran's song was substantially similar to Gaye's, but the jury disagreed. Sheeran expressed relief and frustration after the verdict, stating that he was 'very happy with the outcome of the case' but 'unbelievably frustrated that baseless claims like this are allowed to go to court at all.' He also mentioned the personal toll the trial had taken, noting that he missed his grandmother’s funeral in Ireland because of the proceedings. The case had been closely watched due to its potential implications for copyright law and the music industry.
7. <https://www.france24.com/en/live-news/20230504-british-musician-ed-sheeran-wins-us-copyright-trial> - Ed Sheeran has won a U.S. copyright trial over his song 'Thinking Out Loud,' which was alleged to have copied Marvin Gaye’s 'Let’s Get It On.' A Manhattan jury found that Sheeran had 'independently' created his song and did not copy Gaye’s work. The trial had been brought by the heirs of Ed Townsend, who co-wrote 'Let’s Get It On' with Gaye. The plaintiffs had alleged that Sheeran's song was substantially similar to Gaye's, but the jury disagreed. Sheeran expressed relief and frustration after the verdict, stating that he was 'very happy with the outcome of the case' but 'unbelievably frustrated that baseless claims like this are allowed to go to court at all.' He also mentioned the personal toll the trial had taken, noting that he missed his grandmother’s funeral in Ireland because of the proceedings. The case had been closely watched due to its potential implications for copyright law and the music industry.