Lavigne clash widens

Songwriters, lawyers, musicologists and PR people get into the debate over the genesis of "Girlfriend."

By Chris Lee, Times Staff Writer
July 11, 2007

July is shaping up to be the crucial month for Avril Lavigne.

Over the last two weeks, the pop princess' carefully crafted image as the anti-Britney — that is, a chart-topping ingenue who writes her own songs, spits at paparazzi and has shaped her own spiky-yet-vulnerable image — has come under attack on multiple fronts.

In a lawsuit made public last week, the 22-year-old Canadian superstar is being sued for copyright infringement for allegedly plagiarizing a substantial part of "I Wanna Be Your Boyfriend," a song by '70s new wave group the Rubinoos, for her worldwide smash hit "Girlfriend."

As with most Information Age disputes, the controversy has spilled over onto YouTube.com, where various video clips highlighting similarities between the two songs — specifically, their sing-song-y, call-and-response choruses of "Hey, hey, You, you" — have been streamed more than 1.4 million times since last Wednesday.

Now, speaking publicly on the matter for the first time, "Girlfriend's" co-writer Lukasz "Dr. Luke" Gottwald has lashed out at the plaintiffs — songwriters James Gangwer and original Rubinoos member Tommy Dunbar — denying allegations that he and Lavigne "copied" "Boyfriend."

"I never heard of the Rubinoos before the lawsuit," said Gottwald, an in-demand producer who has crafted hits for Kelly Clarkson, Pink and Daughtry, among others. "I never heard of the song and neither has Avril. I would take a polygraph on that in front of them."

"Me and Avril wrote the song together," Gottwald told The Times. "It started out with Avril wanting to make something fun and upbeat. It has the same chord progressions as 10 different Blink-182 songs, the standard changes you'd find in a Sum 41 song. It's the Sex Pistols, not the Rubinoos."

The lead singer of the Rubinoos, Jon Rubin (who is not a part of the lawsuit because he didn't write it), told The Times that in terms of meter and chord progression, "Girlfriend" bears a close resemblance to "I Wanna Be Your Boyfriend." He also thinks that "Girlfriend" has more similarities to a 1997 cover version of the song, retitled "I Wanna Be Your Girlfriend" by the female-fronted Brit-pop band Lush. Rubin said: "We got tons of e-mails about it. 'You guys must be collecting big dough now.' Well, actually not."

"Girlfriend" has sold 2.6 million copies worldwide and topped singles charts in the U.S., Italy, New Zealand, Austria, Ireland and Sweden. Lavigne was unreachable for comment, her manager said, but defended herself Friday on her MySpace page:

"Off the top of my head, two other songs that I can immediately think of with this type of lyric are 'Hey, hey, you, you get off of my cloud' by the Rolling Stones and 'Hey little girl I want to be your boyfriend' by the Ramones," the singer writes. "Simply put, I have been falsely accused of ripping their song off. Luke and I have done nothing wrong and there is no claim to their part."

Lavigne's mensis horribilis began with the June issue of Performing Songwriter magazine (which went largely overlooked by the media until making headlines in Canada last week then rippling out around the world), in which Chantal Kreviazuk, who co-wrote much of Lavigne's 2004 triple platinum-selling album "Under My Skin," ridiculed the notion that Lavigne writes her own material.
The allegation cuts to the core of Lavigne's self-made persona.

"I mean, Avril, songwriter?" Kreviazuk said in the article. "Avril doesn't really sit and write songs by herself or anything." And in the interview, the songwriter said that she brought Lavigne a song called "Contagious" that was rejected, only to later discover a song called "Contagious" turn up on Lavigne's third album, "The Best Damn Thing," that song credited to Lavigne and co-writer Evan Taubenfeld.

Lavigne has responded to those allegations on MySpace.

"Chantal's comments are damaging to my reputation and a clear defamation of my character and I am considering taking legal action," Lavigne writes.

On Tuesday, Kreviazuk, who is represented by Netwerk Music Group, a management firm that also represents Lavigne, issued a retraction, saying in part: "Avril has in no way stolen my song.... My statements and any inference from my statements, which call into question Avril's ethics or ability as a respected and acclaimed songwriter should be disregarded and retracted."

Over the last week, a publicity firm hired by "Boyfriend's" songwriters has traded accusatory press releases with Lavigne's manager, Terry McBride, and her label, Sony BMG. Each camp blames the other for taking the case public. The complaint was filed in U.S. District Court in San Francisco in late May, but was posted on the Internet last week.

"We were surprised and taken completely off guard," McBride said. "We were in settlement discussions. Then on July 3, I start getting deluged with interview requests. We've been professional. They broke the news. We've had to react to it."

Nicholas Carlin, a lawyer for songwriters Dunbar and Gangwer, denied drawing first blood. "I have every respect for Avril Lavigne. We tried everything we could to keep it out of the public eye," he said. "That's why we filed the complaint with Mr. Gottwald named as the first defendant — so that the press wouldn't pick up on it immediately."

Both the plaintiffs and defendants hired musicologists to prepare reports on "Girlfriend's" and "Boyfriend's" respective similarities and dissimilarities.

Not surprisingly, Dunbar and Gangwer's musicologist found "an unusually high degree of similarity between the songs," Carlin said. A report by musicologist Anthony Ricigliano, commissioned by Lavigne's management and made available to The Times, states: "Although these compositions contain similar material, they do not share any significant similarity in lyric content, melodic content (pitch series, rhythm or rhythmic patterns, melodic development or structure) or harmonic content, to suggest that 'Girlfriend' was copied from 'Boyfriend.' "

In 2001, Ricigliano famously testified on behalf of singer Michael Bolton in the landmark copyright infringement case Three Boys Music vs. Michael Bolton. In that case, the jury went against Ricigliano's expert opinion, awarding $5.4 million to the plaintiffs, the Isley Brothers, who claimed Bolton had ripped off their 1966 song "Love Is a Wonderful Thing" for his 1991 hit with the same title.

Gottwald admitted to conflicting impulses of outrage and conciliation. "I've never been sued before for plagiarism," he said. "I'm disappointed in humanity but open to discussions. I would love to talk to [Dunbar and Gangwer] to sit down with them and steer them in a direction to be positive."

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