

**PLAGIARISM OR INSPIRATION?  
UNDERSTANDING THE CASE BETWEEN  
TONINHO GERAES AND ADELE**

According to Delia Lipszyc, **PLAGIARISM** is "the appropriation of all or some original elements contained in another author's work, presenting them as their own."

Plagiarizing a work is considered a **violation of the author's moral rights** and, therefore, an infringement under the Brazilian Copyright Act.

Meanwhile, **INSPIRATION** comes from the provocation from original elements in another's work sparking new ideas and thoughts, leading to a new work.

Inspiration is allowed by the Brazilian law, since the **originality** but not **absolute novelty** – is required in the creation of a new work.

Easily confused, plagiarism and inspiration became the topic of social media discussion when Toninho Geraes posted that **the song "Million Years Ago" by the singer Adele and the producer Greg Kurstin is a plagiarism of the samba composer's song "Women", which was immortalized in the voice of Martinho da Vila.**

In order to protect his rights, Toninho filed a lawsuit against the alleged authors, the record company and its acquiring company, requesting: (i) credits as the co-author of the work; (ii) the receipt of royalties from the work and the profit obtained indirectly by the record company; (iii) and compensation for moral damages. The case has not yet had a final decision.

## But was Toninho's song plagiarized, or it was just an inspiration for Adele?

Since there is no specific criteria for determining plagiarism, it is up to the judiciary to analyze it case by case, which can be difficult for something as subjective as music.

But there is precedent. In Bill of Review no. 503774, the Court of Justice of Rio de Janeiro ruled that the song "O Careta," supposedly composed by Roberto Carlos and Erasmo Carlos, **was a plagiarism** of the song "Loucura de Amor" by Sebastião Braga because the Carloses' song **repeated the first 10 beats of Braga's song**. The decision was upheld by the Superior Court.

The samba musician can use that decision in his favor; according to the reports submitted by the musical experts in his lawsuit, there are exactly 88 equal beats shared by the songs in question. Now, we await a final decision by the judiciary.

**And you, do you think it was  
PLAGIARISM or just INSPIRATION?**