

# A Case Study on Plagiarism in Film Music:

A Film Soundtrack Analysis on the movie “300”

by

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Table of Contents	Page
<b>1. PROLOGUE</b>	
1.1 Preface And Objective of Culminating Experience (CE) Paper Analysis	2
1.2 Biography of Composer	4
1.3 Relationship Between Composer and Film Director/Writer	6
1.4 Synopsis of Film	7
<b>2. PART I: FILM &amp; SCORE ANALYSIS</b>	
2.1 Cue Analysis 1: "Message For The Queen"	10
2.2 Cue Analysis 2: "Returns a King"	12
2.3 Cue Analysis 3: "Remember Us"	15
<b>3. PART II: A CASE STUDY ON PLAGIARISM</b>	
3.1 Background of Accusations	17
3.2 Counter-Analysis 1: "Zajdi Zajdi Jasno Sonce"	19
3.3 Counter-Analysis 2: "Victorious Titus" from "Titus"	22
3.4 Counter-Analysis 3: "Finale" from "Titus"	25
<b>4. EPILOGUE</b>	
4.1 Aftermath	28
4.2 The Use and Influence of "Temp" Tracks in Film Music	29
4.3 Reflection	30
4.4 Summary	33
<b>5. ANNEXES</b>	
5.1 Annex 1: "Message for a Queen" Transcription	34
5.2 Annex 2: "Remember us" transcription excerpt	35
5.3 Annex 3: "Remember Us" Part 2	37
5.4 Annex 4: "Zajdi Zajdi Jasno Sonce" Transcription	39
5.5 Annex 5: "Finale" from "Titus" Transcription	40
<b>6. BIBLIOGRAPHY</b>	<b>44</b>

## 1. PROLOGUE

### 1.1 Preface and Objective of Culminating Experience (CE) Paper Analysis

What is plagiarism? As defined in the Oxford Dictionary, “plagiarism” is “the practice of taking someone else’s work or ideas and passing them off as one’s own.” In other words, plagiarism is very much seen as a form of theft, but not necessarily just in a monetary sense; it is a theft of recognition, a theft of not acknowledging the originator of an idea or ideas. This is especially so in the world of copyright, as this practice is seen as an infringement of the copyright law that deprives the artist, in this case the music composer, of his or her share of royalties from the reproduction of the said piece of work<sup>1</sup>.

The practice of plagiarism amongst composers of film music, like most art forms, is very much frowned upon. Film composers, through their musical education and stylistic tendencies, are always encouraged to find their own voice and uniqueness in their craft, and this is especially crucial in this day and age of an “over-supply of film composers in the film industry”<sup>2</sup>.

However, despite this, cases of plagiarism do occur in film music. The Internet is rife with accusations of film composers “borrowing heavily” from existing concert compositions or film scores. One such case occurred in recent times, involving two relatively high-profile film Hollywood film composers. Tyler Bates, then a film composer who was coming into prominence in the Los Angeles film music scene, had just scored his biggest film to date, the movie “300”,

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1. Simon Frith and Lee Marshall, *Music and Copyright, second edition* (New York: Routledge, 2004), 6.

2. Mark Notham, “Thanks ASCAP, But Do We Really Need More Concert Composers Competing For Films?” in *Film Music Magazine* (December 2009, <http://www.filmmusicmag.com/?p=4433>).

directed by Zachary Snyder, who himself was propelled to stardom on the account of the huge success of this movie.

Unfortunately, controversy ensued upon the release of the “300” movie soundtrack. Keen film music buffs detected almost-identical similarities between Bates’ score and music cues from the soundtrack of the movie “Titus”, composed by Elliot Goldenthal, as well as quoting scores from prominent Hollywood movies such as “Black Hawk Down” and “Troy”.

The objective of this paper is two-fold: Firstly, I, the writer, will attempt to analyze three music cues in the “300” soundtrack, and study its use in the imagery of the film. Secondly, I will cross-reference these cues with the supposedly original sources to which these cues had plagiarized from. From this thesis, I hope to gather some findings, conclusions, and lessons that film composers can avoid in future.

## 1.2 Biography of Composer: Tyler Bates

Much little is known about the background to Tyler Bates and his path to music. Born in Los Angeles, USA, Bates did not have any formal training in classical music, although he was much inspired by orchestral music. As a child, he received his musical education by immersing himself with records with his mother, who he called a “music freak”:

“She would buy 10 or 12 records a week, and listened to music non-stop. She read the liner notes to me until I learned to read them myself. I memorized the arrangements, musicians, and producers, but for whatever reason, not so much the lyrics. I didn’t give much thought to doing film music until I was in my twenties, but I have always loved instrumental music that provided an escape from reality.”<sup>3</sup>

Bates received his formal music training when he played the saxophone in his school jazz band. In an interview by *Electronic Musician* in 2009, Bates credits his skill in orchestration and classical music by reading various textbooks, and by working with several orchestrators, especially Timothy Williams, who orchestrated and conducted his score to “300”.<sup>4</sup>

Later on, Bates co-founded the band “Pet” with singer-songwriter Lisa Papineau in the mid-1990's. Quickly becoming one of Los Angeles’ most popular indie-alternative bands, *Pet* signed with Atlantic Records, and their song “Lil

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3. Mike Levine, “Movie-Music Maestro” in *Electronic Musician* (April 2009), 32.

4. *Ibid.*, 38.

Boots", featured on the soundtrack for "The Crow: City of Angels," hit the platinum sales mark.

However, Bates had not been based in his hometown Los Angeles (L.A.) yet; he was working in a music studio in Chicago. His foray into scoring for film began when he saved a low-budget film, produced in L.A., that ran out of money, but needed some rock music cues. This was his first film credit, and the producer of that film then gave Bates the opportunity to move back to L.A. to score another film that he was directing.<sup>5</sup> This led to Bates getting more work as an independent film composer, scoring for independent films such as "Blue Flame", "Tammy and the T-Rex", sharing composing credits with the likes of George Andrian, Jack Conrad and Anthony Riparetti. He also wrote music for episodes of several television series, as well as producing albums for solo artists and bands. Some of his prominent television series scoring work include the series "Californication", "Hysteria", the cartoon series "Sym-Bionic Titan", and the web series "PG Porn" with director/writer James Gunn.<sup>6</sup>

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5. Ibid., 33.

6. Tyler Bates, <http://www.tylerbates.com>.

### 1.3 Relationship Between Composer and Film Director/Writer

In 2004, Tyler Bates was hired to score the horror movie “Dawn of the Dead”, which was the feature film directorial debut of Zack Snyder, with screenplay written by James Gunn. The success of this film propelled Zack Snyder’s career, and this led to a successful partnership between director and composer; Snyder would go on to direct movies such as “Watchmen”, “Sucker Punch”, and the movie focus of this paper, “300”.<sup>7</sup>

After “Sucker Punch” in 2011, Bates had not since scored any of Snyder’s movies, whether as director or producer. However, there has been no record of a falling out between the two.

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7. Ibid.

## 1.4 Synopsis of Film

The movie "300" is based on a popular comic book limited series in 1998 of the same name, written and illustrated by Frank Miller, with Lynn Varley as colorist. It is a fictionalized re-telling of the famous three-day Battle of Thermopylae, where the army of the Persian Empire, led by "king of kings" Xerxes I, sought to invade Greece and was opposed by an alliance of Greek city-states, led by King Leonidas of Sparta.

The story began with the events leading up to the Persian invasion, narrated by a Spartan soldier Dilios, voiced by David Wenham of the "Lord of the Rings" fame. This story made much of the notion that the Spartans, with only a miniscule force of three hundred of their warriors led by the fearless Leonidas, played by Gerard Butler, managed to fend off the massive Persian army for three days, at the narrow coastal pass of Thermopylae, also known as the "Hot Gates".

In the end, Leonidas was betrayed by a local resident named Ephialtes, who revealed to the antagonist King Xerxes, played by Rodrigo Santoro, a small path behind Greek lines. This allowed the Persians to outflank Leonidas and his Spartan regiment, thus leading to their eventual defeat and demise. The movie ends with Dilios, the sole survivor of the Battle, rallying a larger Greek army, led by a ten thousand-strong Spartan battalion, into battle against the Persians.



## 2. PART I: FILM & SCORE ANALYSIS

This part of the paper details three prominent music cues in the film score, and analyzes how the cues exist and enhances the narrative of the film.

In an interview conducted by IGN Music, the score's composer Tyler Bates commented,

"My intent was to stay true to the inspiration of the film and that of the Spartans' freedom and will... The greatest challenge was to bead a musical thread throughout the film's every-changing landscape of visual art, while sustaining its epic and emotional qualities. I had to approach it in a style as inventive as the film itself."<sup>8</sup>

In general, the score utilizes a hybrid mix of orchestral and sample-based ethnic percussion, exotic instruments like a Bulgarian woodwind called the kava, a Chinese xaphoon, and a broken piano which was used in some of the slower and less complex melodies in the score.<sup>9</sup>

Other less-"orchestral" instruments include lots of detuned guitars, as the score features an interesting blend of modern rock with Asian and Mediterranean instrumentation. This is not surprising, given Bates' background in rock music, the guitar being his primary instrument. In particular, Bates employed prominent use of the "GuitarViol"<sup>10</sup>, a hybrid viola-electric guitar

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8. "300 Soundtrack To Hit Hard", *IGN* 31 Jan 2007: (<http://www.ign.com/articles/2007/01/31/300-soundtrack-to-hit-hard>).

9. Will Romano, "What's That Thing?", *EQ Magazine* (May 2007), 28.

10. *Ibid.*

invented by California-based luthier Jonathan Wilson that is increasingly popular amongst film composers like Clint Mansell and Ramin Djawadi.<sup>11</sup>

Bates also employs subtle but expert use of synthesizers, in collaboration with his long-time associate and synthesis expert, Wolfgang Mathes.<sup>12</sup> Bates works primarily in Avid Pro Tools, and Apple Logic Pro.<sup>13</sup>

For purposes of our discussion, we will focus our analysis on three cues: “Message for the Queen”, “Returns a King”, and “Remember us”.

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11. “Artist Testimonials”

(<http://www.togamanguitars.com/artisttestimonials.php>).

12. Mike Levine, “Movie-Music Maestro” in *Electronic Musician* (April 2009), 34.

13. Will Romano, “What’s That Thing?”, *EQ Magazine* (May 2007), 28-29.

## 2.1 Cue Analysis 1: “Message for a Queen”

From Chapter 29: “Go Tell The Spartans”, 1hr:43min:26sec

The scene begins with a fade-in transition to a visual close-up face shot of Queen Gorgo, the wife of Leonidas, played by the actress Lena Headey. The music fades in at this point, where we see an anxious-looking Queen gazing afar. An ethnic-sounding recorder-flute sound is heard, with soft, static accompaniment from harmonium and strings. We next see the Spartan warrior Dilios, walking towards the Queen, with spear and shield in his hands, walking through the barley fields. He stops in front of her, gives a pained expression, then sighs and looks down in resignation. No words are spoken, his face says it all: the King has fallen. Queen Gorgo grimaces, and holds back her tears. Dilios reaches his hand out, and hands the Queen a wooden necklace, the same necklace the Queen put on King Leonidas before he marched off to battle.

We next hear a female voice taking over the melody, singing in free time (“tempo rubato”), with lots of melismatic inflections added to the melody. Visually, the camera focuses on the Queen: she is distraught, yet still fights to hold back her tears. She looks at the necklace, then slowly looks up at the soldier Dilios. She nods in gratitude to him, and approval as Queen to her royal subject.

Dilios walks off in sadness, as we see the Queen’s son approach her. We now hear the strings accompaniment swell to a crescendo, to match the climbing melody of the singer. The boy hugs his mother, and she puts the necklace previously worn by his father the dead King, on him. Again, no words are spoken, for the boy understands that his father is gone, and he quietly grieves. The Queen embraces him.

The music gradually gets softer, as the vocal melody tapers off, to be taken over by a high-octave cello voice, and we finally hear the voice of Dilios quoting his final instructions from Leonidas: “Remember us.”

Audio-wise, this entire sequence was shot without dialogue nor any diegetic background sound, and because of this, the music in this sequence takes center stage. This music cue is effective in conveying the pain and poignancy of defeat, of the loss of a loved one, by employing a solo female voice, and sung in a highly ornamented, pseudo-folk plainsong manner. No lyrics were provided in the soundtrack album, sung by prominent Iranian-American singer Azam Ali, nor was there any record of Ali singing to any discernable lyric in any language.

Furthermore, the music, in particular the melody, transits and changes effectively as the different characters take visual center stage in the film.

A transcription of the melody in this cue is provided in Annex 1.

## 2.2 Cue Analysis 2: “Returns a King”

From Chapter 1: “Spartan Education”, 0hr:05min:18sec

This scene begins visually with a fade-in from black, and we see an unfocussed image of the new boy-king Leonidas, who has just survived the “Agoge”, a violent rite of passage that every Spartan boy has to go through at age seven. The camera gradually sharpens focus on the victorious Leonidas looking up to the heavens, as all before him kneel and bow down to acknowledgement his new kingship.

The music for this cue begins with this resounding choir, singing unaccompanied, and recorded with a high volume level of reverberation:

The image shows a musical score for a cue titled "Returns a King". The score is written in 4/4 time and G major. It consists of three systems of music. The first system is labeled "Choir" and features a vocal line with dynamics *ff*, *f*, and *ff*. The second system is a piano accompaniment starting at measure 6, with a dynamic of *mf*. The third system is a piano accompaniment starting at measure 11, with a dynamic of *ff*. The score ends with the word "etc.".

Fig 1: Transcription of “Returns a King”

Unfortunately, no record of the lyrics could be found at the time of writing this paper, but it was reported that the lyrics sung were a combination of Greek and Latin languages.

Immediately after the choir finishes this melodic theme, the orchestra takes over by playing a rhythmic theme performed using percussion instruments like the orchestral bass drum, a tam-tam gong, and an assortment of ethnic cymbals and metallic clangorous materials crashed together.

The image shows a musical score for percussion. It consists of two staves. The top staff is labeled 'Cymbals' and has a '15' written below it. The bottom staff is labeled 'Low Percussion'. The music is written in a rhythmic notation with various note values and rests, indicating a complex rhythmic pattern. The time signature is 3/4.

Fig 2: Percussion Rhythmic Theme Transcription of “Returns a King”

The music cue then reprises the chorus theme, but in modified form, as the film cuts to a scene of Dilios telling the story of Leonidas’ origin, to a group of Spartan soldiers huddled at a fireplace at night. As his story segues into the approaching Persian messenger and his entourage emerging from the horizon, to a third thematic idea, played by the high strings:

The image shows a musical score for strings. It consists of two staves. The top staff is labeled 'High Strings & Brass' and has a '20' written above it. The bottom staff is labeled 'Low Strings' and has a '26' written above it. The music is written in a melodic notation with various note values and rests, indicating a complex melodic theme. The time signature is 3/4. The bottom staff includes a dynamic marking 'ff' and a triplet of notes.

Fig 3: String Theme Transcription in “Returns a King”

From the excerpt shown in Figure 3, the tempo changes at bar 27, and the low strings play a driving rhythmic figure, to accompany the galloping of horses as we see the Persian messenger and his entourage head towards the city of Sparta to confront the fully-grown Leonidas.

### 2.3 Cue Analysis 3: “Remember Us”

From Chapter 29: “Go Tell The Spartans”, time 1hr:46min:15sec

“Remember us”, echoed Dilio as he spoke of Leonidas’ final instructions to the Spartan congress and remaining soldiers in the capital. From this, we hear the music cue fade in, and it is a reprise of a theme that was featured at an earlier cue, “The Agoge” from Chapter 1: “Spartan Education” of the movie. This time, the entire theme is fleshed out, with solo trumpet carrying the main melody:

The image shows a musical score for a trumpet melody. It is written in treble clef with a key signature of three sharps (F#, C#, G#) and a 4/4 time signature. The tempo is marked 'Adagio' with a quarter note equal to 74 beats per minute. The score consists of three staves of music, numbered 1 through 16. The first staff (measures 1-7) starts with a whole rest in measure 1, followed by a half note G#4 in measure 2, a half note A4 in measure 3, a half note B4 in measure 4, a half note C#5 in measure 5, a half note D5 in measure 6, and a half note E5 in measure 7. The second staff (measures 8-12) begins with a half note E5 in measure 8, a quarter note D5 in measure 9, a quarter note C#5 in measure 10, a quarter note B4 in measure 11, and a quarter note A4 in measure 12. The third staff (measures 13-16) starts with a half note G#3 in measure 13, a half note F#3 in measure 14, a half note E3 in measure 15, and a half note D3 in measure 16. The score includes dynamic markings: *p* at measure 3, *mf* at measure 13, and *pp* at measure 16. Chord symbols are provided above the notes: E (measures 1-2), E/F# (measures 3-7), G#min7 (measures 8-11), F#min7 (measures 11-12), and Fmin (measures 13-16). A crescendo hairpin is shown between measures 12 and 13, and another between measures 15 and 16.

Figure 4: Trumpet Melody Transcription of “Remember Us”

This melody carries a sense of poignancy, and the use of a solo trumpet gives it a sense of a military funeral eulogy. A full transcription is provided in Annex 2. At bar 9, a solo horn enters as a counter-melody, playing above the register of the solo trumpet. A small crescendo occurs at bar 12, leading into a temporary half-tone modulation into F minor, before changing its tonal center to D minor. This leads visually to a scene cut, where Dilios is rallying the Spartan troops, telling them the story of Leonidas and inspiring them to give their all to defend their land in honor of their fallen king. The music dips in volume here,



gently accompanying Dilios' words with soft, static chords padding the sonic background.

Later, as Dilios' voice starts to crescendo, and when he grabs his spear, we hear the entry of a hopeful, "rallying-call" theme, played on the violins, violas and doubled by the woodwinds:

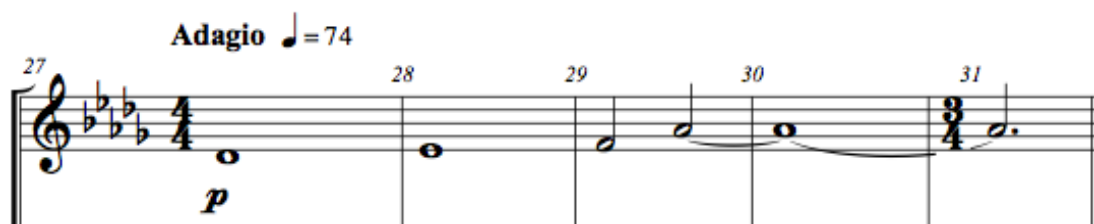


Figure 5: Strings and Woodwinds Rallying-call Theme Transcription

This "rallying-call" ascending theme is developed, by layering several counter-themes played by the brass, and this layering is supported by the low strings and brass. A full transcription is provided in Annex 3. This textural layering builds to a huge crescendo, as the camera pans out to reveal the vast and imposing Grecian army, led by Dilios and the now-ten thousand-strong Spartan army. The soundtrack climaxes to a rousing conclusion at the end, as we see Dilios and the army charge towards the Persian perpetrators, and the movie ends, fading out to the end credits.

All in all, these cues featured in this analysis show effectiveness in complementing the narrative of the storyline, conveying the right mood, suitable pacing of the visuals, and exploring deft colors of orchestration and imaginative "synthetic" and ethnic sounds into the score.

### 3. PART II: A CASE STUDY ON PLAGIARISM

#### 3.1 Background of Accusations

On March 6, 2007, three days before the release of “300” to movie theaters across North America, the soundtrack containing twenty-five tracks of the music cues was released.

Almost immediately upon its release, the soundtrack caused a stir amongst the film music community. Several prominent film score reviewers claimed to hear almost striking resemblances to several existing film scores, notably Hans Zimmer’s electric guitar motifs on the score to “Black Hawk Down”, and both James Horner’s accepted and Gabriel Yared’s rejected scores for the movie “Troy”.<sup>14</sup>

The most blatant accusation was in reference to two music cues in the film score to the movie “Titus” (1999), composed by Elliot Goldenthal. This movie, based on Shakespeare tragedy “Titus Andronicus”, was written and directed by Goldenthal’s long-time partner Julie Taymor. Goldenthal was quoted in a January 2000 interview with Soundtrack.net, as saying that this particular soundtrack was “a culmination of my style. It sums up the type of work I’ve been doing for the past ten years.”<sup>15</sup>

Later on, another source of music to which Tyler Bates had allegedly been accused of plagiarizing (and mistakenly thought by some film music critics as quoting from Horner and Yared) was suggested. The song “Zajdi, Zajdi, Jasno

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14. Demetris Christodoulides, *Score Magazine*, 6 March 2007, ([http://scoremagazine.com/Resenas\\_det.php?Codigo=715](http://scoremagazine.com/Resenas_det.php?Codigo=715)).

15. Dan Goldwasser, *Soundtrack.Net*, January 2000, (<http://www.soundtrack.net/content/article/?id=51>).

Sonse”, composed by Macedonian singer-songwriter Aleksandar Sarioevski, was found to have almost-identical musical traits to Bates’ cue “Message for a Queen”. This song has recently become popular amongst Macedonian and Bulgarian pop singers, in showing off their vocal prowess, due to its long, free-tempo melismatic phrases, and challenging ornamented melody.<sup>16</sup>

For the purpose of examination, I will attempt to analyze the aforementioned Macedonian modern folk song, as well as two cues from the “Titus” movie soundtrack, and compare them with the three cues presented in Part 1 of this paper. For the film cues in “Titus”, I will not be analyzing its usage in the movie, as this is irrelevant to the discussion.

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16. *Politika*, 24 August 2007, (<http://politika.bg/article?id=6366>).

### 3.2 Counter-Analysis 1: “Zajdi Zajdi Jasno Sonce”

This song has three verses, and the same melody is reprised for every verse. A transcription of this tune is included in Annex 4. For the purpose of authenticity, I used the rendition sung by the composer himself, Aleksandar Sarievski, for my transcription. I will also examine the more modern-sounding rendition by Bulgarian artist Iva Davidova, as her arrangement of this song bears the closest similarity to Bates’ “Message for a Queen” music cue.

#### Comparison

Upon close inspection, one can detect similarities in both the melody and the harmonic changes between the song and the cue.

The opening flute line in Sarievski’s version begins with a short scalar perfect-fourth interval run, from A3 to D4 (assuming that middle C is C3), and the “target” notes (the prominent notes at rest in the melody, where the harmonic changes occur) are exactly the same in both pieces of music.

Furthermore, the harmonic changes in bars 1 to 4 of Sarievski’s version are identical, at least until bar 10 of the Bates cue. At bars 14 to 21, we can deduce the harmonic changes here to be derivative to that in bars 1 to 8.

One very crucial point to take note of, is that the actual vocal melody in “Zajdi Zajdi Jasno Sonce” is never actually quoted in any form whatsoever in Bates’ “Message for the Queen” cue. Even the vocal melodic line in “Message” can be deduced as derivative of the opening flute introduction of “Zajdi”, but it can be argued that, technically, this is not the actual melody of the song itself.

Another interesting thing to add from this observation of Iva Davidova's arrangement of Sarievski's song, is that it is sonically very similar to "Message for a Queen", in terms of choice of key (both pieces are in the key of F major), instrumentation (both pieces feature an ethnic flute as a solo instrumental voice, and both have heavy usage of synthesizer pads in the accompaniment of the melody), and voice color (both Davidova's and Azam Ali's voices have similar vocal timbre). However, the similarities do end here; the harmonic changes employed in Davidova's arrangement differ even to Sarievski's original recording, and Davidova's rendition is so heavily ornamented and sung in free tempo, that it could have easily been mistaken to be a different song.

#### Verdict

Despite the accusations leveled at Tyler Bates for plagiarizing Sarievski's song, the point is that the song itself features such heavy ornamentation and variation in the melody, that without the lyrics, it could pass off as a different song. In fact, in an article published by the Bulgarian newspaper Politika,<sup>17</sup> it was quoted as saying that Bates admitted to borrowing from "Zajdi Zajdi" while writing "Message for a Queen", but claimed that it is a traditional folk song, hence the lack of a need to credit this source. Furthermore, in this same article, Bulgarian folklorist Georgi Kraev was quoted as saying that the song actually originated from a collection of Balkan tavern songs.<sup>18</sup> If the true authenticity of

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17. Ibid.

18. Ibid.

the original work is up for debate, then it is unfair to assume Bates would be morally obligated to quote his source of influence in composing this cue.

### 3.3 Counter-Analysis 2: “Victorious Titus”

This music cue begins with an all-male choir singing the opening theme a cappella:

Fig 6: “Victorious Titus” Opening Theme

Immediately at the last two bars of this theme, the following rhythmic theme is played:

Fig 7: “Victorious Titus” Percussion Rhythmic Theme

This rhythmic theme leads to a reprise of the choir theme, but this time it is sung with some doubling on the brass, with some truly epic orchestral

accompaniment. In particular, the strings and high woodwinds play this trill-like scalic run, as sort of a descant counterline:



Fig 8: String and Woodwinds Counter-Melody/Accompaniment

The choir and orchestra then repeat the entire sequence again, but in a truncated form.

At 2'13" of this cue, the tempo changes, along with the accompaniment texture. The high strings play a descending sixteenth-note figure, doubled with flutes. The choir now sings a syncopated thematic idea, accompanied with low sustained bass pedals:

Fig 9: "Victorious Titus" Second Theme

## Comparison

Bates' "Returns a King" cue is really is an almost like-for-like reproduction of this score. Sonically, they are almost identical: they both share the same tonal



key of E minor, a highly-reverberant choir starts both cues unaccompanied, then the percussion takes over, then the choir reprises the theme with full orchestral accompaniment, this repeats, and so on. Instrumentation-wise, they are also very similar; in particular, there is a distinct metallic clanging of cymbals and other metal objects as percussion, and they are very apparent in both scores. The form and structure of both cues are also almost identical.

What about the differences, if any? There do exist some differences in the score, mainly in the melodic shape of the opening choir theme. Firstly, both employ an opening three-note motif, but Goldenthal's motif ascends, while Bates' version goes in the opposite direction. Secondly, the rhythmic pattern of the percussion succeeding the choir theme, and the string accompaniment is also slightly different, as you can compare by cross-referencing between the transcribed sections. Lastly, both scores exhibit a tempo change towards the tail end of the cue, but Goldenthal's cue is slightly slower, less driving because of the sustained bass notes, and still has the choir singing, unlike in Bates' cue where the choir goes silent.

## Verdict

Given the obvious and striking similarities between both cues, especially in terms of form and structure, it is easy to conclude that Bates did plagiarize Goldenthal's score. The changes are so minute, one could actually deem them as mere variations of the original themes.

### 3.4 Counter-Analysis 3: “Finale” from “Titus”

The music cue to “Finale” is tracked at eight minutes and thirty-five seconds in duration. My analysis will focus on the middle section, from 3’24” of the music track. A rough transcription is included in Annex 5.

This section of the cue segues from a first section, which ends in a high string-and-woodwind cascading effect that gradually fades out. The low strings begin their motif, and layer upon layer, other instruments join in at different, almost-asynchronous moments. These layers create what I term an “orchestrational crescendo”, in which more instrument sounds layered on top of each other will naturally build in volume and depth, and this climaxes with a large brass swell, landing with a huge cadential finale of a low D-flat played by the low instruments of the orchestra at the end of the section.

One interesting thing to note about Goldenthal’s cue here, is that this entire section only utilizes six notes; if the tonic key is D-flat major (it is almost impossible to guess the correct tonic key, as the key of A-flat major is also plausible as a tonal center), then the fourth degree, namely the G-flat, is omitted. Another point to note is that this section has hardly any rhythmic movement; it is primarily static. Due to this phenomenon, it is difficult for the listener to discern any instance of a melodic motif, nor figure out a clear harmonic sequence.

## Comparison

Conceptually, between this cue and Bates' "Remember us" cue, they both utilize the same "orchestrational crescendo" idea. However, to claim that one is a plagiarism of the other is a little simplistic, to say the least.

A clear sonic signature of Goldenthal's score is inherent in Bates', but, with reasons mentioned above, it is difficult to discern an outright copying of a melody. Bates' score here certainly has more melodic and rhythmic interest than Goldenthal's score, even though it is not exciting by any stretch of the imagination. Orchestration-wise, they may be similar, but Goldenthal's more judicious use of woodwind doublings provides a slightly different color and orchestral sound in comparison to Bates' and Williams' orchestration. In observing Bates' attempt to distance himself from Goldenthal's score here, one can already sense the creation of a new and conceptually different score, thereby making the case of plagiarism in this cue rather debatable.

Perhaps the most discernable instance that would draw the most resemblance to Goldenthal's "Finale", besides using the same tonal center, is the way Bates chooses to end his cue. The low sustained D-flat bass, played fortissimo, is signature to the end of such a brilliant climax. That being said, Goldenthal's "Finale" did not end there, whereas Bates' "Remember us" did.

## Verdict

Due to the arguments listed for and against the claims of Bates' copying, we can say that Goldenthal's cue was indeed a big influence on Bates' approach to this

score, but we cannot conclude that “Remember us” is a straightforward case of plagiarizing “Finale”, as Bates had, in my opinion, successfully deviated from Goldenthal’s original compositional approaches inherent in his music, to create something that might be aurally similar, but compositionally different.

## 4. EPILOGUE

### 4.1 Aftermath

As mentioned in the previous section, Tyler Bates' soundtrack to "300" was met with general derision and strong reactions from many established film critics. Some of them even refused to give the soundtrack a review,<sup>19</sup> and those who did generally gave a bad rating.<sup>20</sup> Some encouraged Elliot Goldenthal to sue Tyler Bates, while others were so amazed at the level of blatant copying from such a prominent composer, in such a high-budget Hollywood feature film.

In August 2007, Warner Brothers Pictures, the production studio of "300", issued an official statement claiming that they had no knowledge of the fact that some of the music cues for the "300" were "... derived from music composed by Academy Award winning composer Elliot Goldenthal for the motion picture *Titus*."<sup>21</sup> The statement made no mention of who was ultimately responsible for this act of plagiarism - if it was Bates' willful intentions, or if he had to obey executive orders from the director or producer(s). It concluded with the point that this matter with Goldenthal had been resolved.<sup>22</sup> Goldenthal will be credited in all subsequent DVD, CD and Blu-Ray prints, as well as in all digital music service sites like Apple's iTunes and Spotify. Whether he receives a share in the

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19. James Southall, "300 – A Review By James Southall", *Movie-Wave.Net*, (<https://web.archive.org/web/20070320213436/http://www.movie-wave.net/titles/300.html>).

20. Justin Bielawa, "300", ([http://www.webcitation.org/query?url=http%3A%2F%2Fmusiconfilm.net%2Fget\\_review.php%3Fid%3D163&date=September](http://www.webcitation.org/query?url=http%3A%2F%2Fmusiconfilm.net%2Fget_review.php%3Fid%3D163&date=September)).

21. "300 on DVD", *Warner Bros. Pictures*, (<https://web.archive.org/web/20070811171425/http://www.300ondvd.com/>)

22. Ibid.

royalties from the use of Bates' music is unknown at the point of writing this paper.

#### 4.2 The Use and Influence of "Temp" Tracks in Film Music

A temp, or temporary, track, is a set of musical cues taken from various existing musical literature, and roughly synched up to the film.<sup>23</sup> Some directors incorporate temp tracks to their films, because they see this as a way to communicate their ideas and intentions of the music aurally to the composer. Producers sometimes use temp tracks to a film, if it needs to be rushed for "previewing" by a preliminary audience.

Unfortunately, many at times, a director or producer becomes so enamored by the existing temp track, that it becomes imperative that the film composer must make his supposedly new and original music sound just like the temp music. A worse case scenario would be that the temp score becomes so integrated to the film in the director's mind, that anything else will not sound right, no matter how skilled the film composer is in his compositional prowess.<sup>24</sup>

In this case, it seems that there is enough evidence to prove that the cues that Tyler Bates was accused of plagiarizing from, were in the temp track score. Unfortunately, at the time of writing, all attempts to contact Darrell Hall, the music editor for "300", proved unsuccessful. It would be key to this research, if we could verify the temp tracks used in this film indeed were from the scores that Bates was accused of copying.

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23. Kathryn Kalinak, "Composers and Their Craft" in *Film Music: A Very Short Introduction* (New York: Oxford University Press, 2010), 104-106.

24. *Ibid.*, 105.

### 4.3 Reflection

To “borrow heavily” from a source material, be it a temp score, or a piece of music that one loves and is inspired by, is technically how we as composers hone our craft, to build up our compositional vocabulary, so-to-speak.

However, it is not common practice to acknowledge our influences; perhaps this is due to a fear of ridicule, of being looked upon as an incompetent composer.

In this day and age of film “composing” to temp tracks, I believe we need to arm ourselves with necessary skills to compose music that will respect the feel and intent of what the director wants, and yet offer an original, unique sound.

I must confess, my admiration for Tyler Bates as a prominent film scorer has diminished somewhat in the aftermath of my investigation to this plagiarism case. But I take it in good faith, that it was not his fault, and, that the blame should lie with the director Zack Snyder and the producers, and their insistence in being “faithful” to the temporary score. That being said, I believe this case exposed Bates’ shortcomings as an orchestrator and composer. I believe, with time and experience, he would have learnt from his past mistakes.

In September 2007, Tim Curran, the managing editor of Film Score Monthly (FSM Online), made a comment in his editorial foreword, entitled “Just Say ‘No!’”, about the Warner Brothers official statement about the “300” soundtrack. In his comments, he noted that

“... it’s also very likely much ado about nothing. Eliot [sic]

Goldenthal will probably make some extra cash from any

settlement that came of all this; those filmmakers who hire Tyler

Bates won't be dissuaded from hiring him in the future; and  
*Warner Bros. gets to feign a general sensitivity and innocence.*"<sup>25</sup>

It has been almost eight years since this controversy erupted, and true to Curran's comments, the film music world has since moved on. After "300", Tyler Bates went on to score some big Hollywood blockbuster feature films, like "Watchmen", and "Guardians of the Galaxy". "300"'s director Zack Snyder, one of the ones that Warner Bros. put the blame on who caused this plagiarism controversy, is about to complete directorial duties on his biggest movie to date, "Superman v Batman: Dawn of Justice". Perhaps this whole plagiarism episode really is just "much ado about nothing".

Yet the argument that film composers consistently borrow and plagiarize from existing works, rages on. This is not helped by the now-standard practice of using temp tracks to film. The current "hotbed" of prevalent plagiarism is in the Bollywood industry.<sup>26</sup> Perhaps we should look into the practices of film industries outside of Hollywood and Europe; we might find even more rampant cases of plagiarism there.

I believe that the mark of an excellent composer, is somebody who aspires to compose something original and true to his artistic voice, despite being "shackled" by the whims of inexperienced directors and producers. I also recognize how difficult it can be, to have to write something that sounds original, while trying to "ape" a particular score in existence.

Perhaps the quality of "temp-tracking" can be improved on. Directors and music editor's music libraries should not just be limited to the ubiquitous

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25. Tim Curran, "Just Say 'No!'", *Film Score Monthly*, 1-1. Doi: 1939-974X.

26. (<http://mrandmrs55.com/2012/08/24/plagiarism-in-hindi-film-music-is-imitation-the-most-sincere-form-of-flattery/#comments>).



blockbuster soundtracks that most film buffs would be very familiar with. They also have a responsibility to help budding composers less adept with this skill of adapting existing music to sound original, or, at the very least, less “copied”, by using less popular and less recognizable temp music.

Whatever the case, we as film composers ought to maintain basic standards of artistic integrity and creativity. This, I believe, is what separates the good from the best.

#### 4.4 Summary

In this paper, I sought to investigate the controversy surrounding the high-profile plagiarism case of the “300” movie soundtrack, composed by Tyler Bates. I analyzed three of his music cues, and cross-referenced them with three existing pieces of music that were alleged sources of copying in Bates’ scores: “Zajdi Zajdi Jasno Sonce”, a Macedonian modern folk song, and two cues from Elliot Goldenthal’s score to “Titus”.

The result of my findings was that, despite the fact that Tyler Bates did exhibit some form of “modifications” to the existing music used in his temp score, the form and structure of the existing music showed that he did borrow heavily from them. Furthermore, he failed to acknowledge them nor give credit, and this set him up for accusations of plagiarism. The controversy ended when Warner Bros. Pictures issued a statement, stating that this matter with Elliot Goldenthal had been resolved.

I concluded this paper with a call to all film composers to educate themselves with skills of modifying existing music to make them sound new, and for directors and music editors to enhance their library collection with rarer, less recognizable music for temp tracking.

## **5. Annexes**

5.1 Annex 1: "Message for a Queen" Transcription

5.2 Annex 2: "Remember us" transcription excerpt

5.3 Annex 3: "Remember Us" Part 2

5.4 Annex 4: "Zajdi Zajdi Jasno Sonce" Transcription

5.5 Annex 5: "Finale" from "Titus" Transcription

## 5.1 Annex 1: "Message for a Queen" Transcription

# Message for the Queen

from the movie "300"

Music by Tyler Bates  
Transcribed by Joel Nah

**Tempo Rubato**

**Flute**

*mp*

1 2 3 4 5 6

Gm A Bb

7 8 9 10 11 12

Dm Dm C Dm

13 14 15 16 17 18 19

C Am Bb

20 21 22 23 24 25

D<sup>5</sup> F

**Voice**

*mf*

26 27 28 29 30

Dm Gm Am Bb Dm

31 32 33 34 35

C F Gm7 Am

36 37 38 39 40

Bb Dm C Bb

**Cello**

*mp*

41

Dm

*pp*

## 5.2 Annex 2: "Remember us" transcription excerpt

Adagio ♩ = 74

Trumpet in B $\flat$

Horn in F

Strings

B $\flat$  Tpt.

Hn.

Strgs.

B $\flat$  Tpt.

Hn.

Strgs.

*pp*

*p*

*mf*

*pp*

*pp*

*etc.*

©

## 5.3 Annex 3: "Remember Us" Part 2

## "Remember Us" Part 2

from the "300" movie soundtrack

Music composed by Tyler Bates  
Transcribed by Joel Nah

**Adagio** ♩ = 74

**System 1 (Measures 27-33):**

- Hi Brass & Winds:** Measures 27-33. Dynamics: *p* (measures 27-31), *mp* (measures 32-33) with *poco a poco cresc.*
- Low Brass & Winds:** Measures 27-33. Dynamics: *p* (measures 27-31), *mp* (measures 32-33).
- Strings:** Measures 27-33. Dynamics: *p* (measures 27-31), *mp* (measures 32-33) with *poco a poco cresc.*

**System 2 (Measures 34-38):**

- Hi Brs.:** Measures 34-38. Includes a **Horn** marking at measure 34.
- Lo Brs.:** Measures 34-38.
- Strgs.:** Measures 34-38.

**System 3 (Measures 39-42):**

- Hi Brs.:** Measures 39-42. Includes *rit.* at measure 39 and *a tempo* at measure 40. Dynamics: *mp* at measure 42.
- Lo Brs.:** Measures 39-42.
- Strgs.:** Measures 39-42. Dynamics: *mp* at measures 40 and 42.

"Remember Us" Part 2

Hi Brs. 43 44 45 46 47 48 49  
Lo Brs. + Trombones

Strgs.

Hi Brs. 50 51 52 53 54 55 56 57  
Lo Brs.

Strgs.

Hi Brs. 58  
Lo Brs.

Strgs. 58

## 5.4 Annex 4: "Zajdi Zajdi Jasno Sonce" Transcription

## Zajdi, Zajdi, Jasno Sonce

Traditional

(1 verse, 1 interlude)

Music by Aleksander Sarijevski  
Transcribed by Joel Nah

**Tempo Rubato**

The score is written in treble clef with a key signature of one flat (B-flat). It consists of six staves of music. The first staff (measures 1-4) is marked 'Tempo Rubato' and includes guitar chords Dm, E, F, and Am. The second staff (measures 5-8) includes guitar chords G, A<sup>5</sup>, and C, and is marked 'Flute' and 'Voice'. The third staff (measures 9-13) includes guitar chords A<sup>5</sup>, Dm, and E, and features triplets. The fourth staff (measures 14-17) includes guitar chords F, Am, G, and Am, and is marked 'Violin'. The fifth staff (measures 18-18) is marked 'Dm'. The sixth staff (measures 19-22) includes guitar chords E, F, Am, G, and Am.

Dm E F Am

5 G A<sup>5</sup> C

9 A<sup>5</sup> Dm E

14 F Am G Am

18 Dm

19 E F Am G Am



### 5.5 Annex 5: "Finale" from "Titus" Transcription

Score

## Finale (Excerpt)

from the movie "Titus" (1999)

Music by Elliot Goldenthal

Transcribed by Joel Nah

Lento  $\text{♩} = 81$

The musical score is arranged in a standard orchestral format. It begins with a key signature of two flats (B-flat major) and a 4/4 time signature. The tempo is marked 'Lento' with a quarter note equal to 81 beats per minute. The score is divided into several systems. The first system includes High Winds, Low Winds, High Brass, and Low Brass. The second system includes High Strings and Low Strings. The third system includes Hi WWs (High Woodwinds) and Lo WWs (Low Woodwinds). The fourth system includes Hi Strg (High Strings) and Lo Strg (Low Strings). The music is marked with a piano (*p*) dynamic. The score is transcribed by Joel Nah.

2  
16

Finale (Excerpt)

Hi WWs

Lo WWs

Hi Brs

Lo Brs

Hi Strg

Lo Strg

*mp*

16

24

Hi WWs

Lo WWs

Hi Brs

Lo Brs

Hi Strg

Lo Strg

24

Finale (Excerpt)

3

Musical score for measures 32-39. The score is divided into three systems, each with a high and low part. The first system includes Hi WWs and Lo WWs. The second system includes Hi Brs and Lo Brs. The third system includes Hi Strg and Lo Strg. The key signature is three flats (B-flat, E-flat, A-flat) and the time signature is 4/4. The dynamic marking *mf* (mezzo-forte) is present in the first system. The music features a mix of quarter notes, half notes, and eighth notes, with some notes beamed together.

Musical score for measures 40-47. The score is divided into three systems, each with a high and low part. The first system includes Hi WWs and Lo WWs. The second system includes Hi Brs and Lo Brs. The third system includes Hi Strg and Lo Strg. The key signature is three flats (B-flat, E-flat, A-flat) and the time signature is 4/4. The dynamic marking *f* (forte) is present in the first system. The music continues with similar rhythmic patterns and melodic lines as the previous system.

4  
48

Hi WWs

Lo WWs

Hi Brs

Lo Brs

Hi Strg

Lo Strg

Finale (Excerpt)

*ff*

*fff*

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