

DRAKE VS. KENDRICK LAMAR: A DEFAMATION BATTLE IN THE STREAMING ERA

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Tags: [Drake](#), [Hip Hop](#), [Kendrick Lamar](#), [Not Like Us](#), [Superbowl](#), [UMG](#), [Universal Music Group](#)



The hip-hop world has been ablaze with the feud between megastars Kendrick Lamar and Drake, culminating in a legal battle that extends beyond diss tracks. While rap beefs have historically stayed within the confines of music, Drake has taken the dispute to court, filing a federal defamation lawsuit against Lamar's record label Universal Music Group (UMG).

Aubrey Drake Graham v. UMG Recordings, Inc., Case No. 1:25-cv-00399, was filed in the U.S. District Court for the Southern District of New York on January 15, 2025. The Complaint raises compelling legal questions about defamation, streaming platforms, and the intersection of music and reputation.

The Allegations: When Diss Tracks Go Too Far?

Lamar's incredibly successful track "Not Like Us" is at the heart of this case. The song features damning accusations against Drake, including allegations of pedophilia. The song's lyrics and visual elements also suggest that Drake's residence is listed as a known sex offender's location.

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Drake's Complaint opens by detailing multiple attempted attacks on Drake's residence allegedly spurred by the lyrics in Lamar's song and alleges "The Recording was intended to convey the specific, unmistakable, and false factual allegation that Drake is a criminal pedophile, and to suggest that the public should resort to vigilante justice in response." (Complaint ¶ 7).

The Complaint also alleges a highly organized and carefully planned campaign by the label to make the song go viral, including by manipulating streaming platforms and "whitelabeling" the song for social media so it can be easily shared without incurring copyright takedown notices.

These statements have certainly fueled a great deal of controversy – especially following Lamar's performance of the song at Super Bowl LIX – but do they rise to the level of defamation?

What Makes a Statement Defamatory?

For a statement to be legally considered defamation, it must be:

1. A false statement of fact (not opinion or hyperbole);
2. Published to a third party;
3. Harmful to the subject's reputation; and
4. Made with at least negligence (or actual malice, if the plaintiff is a public figure).

Drake, being an international superstar, must meet the higher "actual malice" standard, established by the Supreme Court 60-years ago in *New York Times v. Sullivan*, 376 U.S. 254 (1964). This means he must prove that UMG knowingly published false statements or acted with reckless disregard for whether the statements were true or false.

Accusing someone of being a pedophile is defamatory on its face and the case would be a slam dunk – unless the allegation is true or, depending on the context, if members of the public would understand it to be "no more than rhetorical hyperbole." See *Pring v. Penthouse Int'l, Ltd.*, 695 F.2d 438 (10th Cir. 1983). Given that diss tracks are often viewed as artistic expression and opinion, it may be difficult for Drake to prove that Lamar's lyrics were meant to be taken as literal fact.

Why Sue Universal Music Group and Not Lamar?

The Complaint makes it very clear that Drake is not accusing Lamar, who wrote the song, but rather his record label, who had the right to approve and release the music and who organized the campaign to make it go viral. The move is likely strategic – rather than going after Lamar directly, Drake is targeting the entity that distributed the song, potentially broadening liability and attacking the machine behind the publicity. If successful, this could have significant implications for record labels and streaming platforms in how they handle controversial content.

Defamation in the Digital Age

With streaming numbers influencing reputation and revenue, defamation cases in music take on new dimensions. If Drake can establish that UMG knowingly amplified false statements, it could set a precedent for how labels and platforms are held accountable. However, UMG is likely to argue that

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the lyrics constitute artistic expression, not factual claims, and also that the expression did not actually harm Drake's reputation as the attention on the feud has improved sales for him as well as Lamar. And it will certainly argue that Drake cannot show actual malice on the part of UMG.

The Bigger Picture

This case isn't just about two rap titans—it's about defining the limits of free speech, artistic expression, and accountability in the digital age. If Drake succeeds, it could reshape how defamatory content is handled in music, potentially altering the way labels and streaming services operate.

It also comes at the same time as a new challenge to the "actual malice" standard, filed by Las Vegas casino tycoon Steve Wynn. Wynn filed a Petition for Certiorari in *Steve Wynn v. The Associated Press, et al.*, asking the Supreme Court to abolish the actual malice standard because it no longer has meaning in a digital/streaming age where virtually anyone can call themselves a journalist and accuse almost anyone of anything – especially public figures – with little to no consequences. On its face that may be a compelling argument, but defamation claims can be weaponized both ways.

As these lawsuits unfold, it will be fascinating to see whether the courts view *Not Like Us* as mere lyrical bravado or a legally actionable smear campaign, and whether UMG may be able to invoke the actual malice standard to defeat what would otherwise be a successful claim. Either way, this battle is far from over, and its outcome could reverberate far beyond the music industry.

In one of the interesting twists in this case, UMG is Drake's label as well as Lamar's. Drake is signed under UMG's Republic Records division, while Lamar is signed to UMG's Interscope¹ division.

Drake initially sued UMG and Spotify over alleged streaming manipulation but later dropped that case and pivoted to this defamation claim against UMG.

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