



FYI Copyright

etc.

“Happy Birthday to You” is arguably the most popular song in the world; its lyrics have been translated and modified to fit dozens of different languages.

But you’ll need to think twice before you sing it in public or include a performance of it in your student film project; the song has technically has been under copyright protection since 1935!

The current copyright owner is the Warner Music Group, which obtained the rights in 1998. The company has been known to charge a **royalty**—a payment for use of a creative work—in the range of \$10,000 for a single performance of the song in film or television!

For a number of reasons, though, the copyright to “Happy Birthday to You” is matter of some controversy. Warner Music Group claims that the song was officially copyrighted in 1935, and that according to U.S. copyright law, it should be protected until 2030. But others don’t see it that way.

Critics usually point to the song’s age; it was created sometime around 1900 and first appeared as printed music in 1912. According to U.S. copyright law, any work published before 1923 is in the public domain. In addition, the melody is lifted entirely from an earlier song, “Good Morning to All,” created in 1875. And *that* song borrowed a great deal from earlier melodies, too.

So far, though, no one has challenged Warner’s ownership; movies, TV shows, radio stations, and anyone else who uses the song in a profit-making capacity continue to pay royalties. But don’t worry: Having friends and family sing the song to you at a private birthday party is perfectly legal.

