

Happy Birthday ruled public domain as judge throws out copyright claim

A federal court judge has thrown out a copyright claim to the Happy Birthday song from the music publishing company collecting its royalties for decades

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A federal court judge in Los Angeles has declared the song Happy Birthday to You belongs in the public domain, dealing a blow to the music publishing company that has been collecting royalties from the song for decades.

US district judge George H King ruled on Tuesday the copyright originally filed by the Clayton F Summy Co in 1935 applied to a specific arrangement of the song, not the tune itself.

King ruled that Summy never acquired the rights to the song's lyrics, and the defendants' claims to the contrary were "implausible and unreasonable".

"Because Summy Co never acquired the rights to the Happy Birthday lyrics, [the] defendants, as Summy Co's purported successors-in-interest, do not own a valid copyright in the Happy Birthday lyrics," King wrote in a judgment posted online.

"Happy Birthday is finally free after 80 years," said Randall Newman, an attorney for the plaintiffs. "Finally, the charade is over. It's unbelievable."

Up until now, Warner Chappell Music, a division of the Warner Music Group, has charged people for use of the song.

Among the plaintiffs was film-maker Jennifer Nelson, who was told she would have to pay \$1,500 USD in order to include Happy Birthday in a documentary she was making about its history.

Warner Chappell Music has been enforcing the copyright claim since it bought Summy's successor, Birchtree Ltd, in 1988. It reportedly paid \$25m for the company.

Jay Morgenstern, then executive vice president of the Warner Chappell Music Group, told the New York Times a year after the acquisition the song had proved "a very good investment".

Happy Birthday was written by sisters Parry and Mildred Hill in 1883, and is often claimed to be the world's most popular song.

Without the court judgement, it would not have been freely available in the public domain in the US until 2030, and in the EU until 31 December 2016.

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