



Happy Birthday to All

Oct 14, 2015

Reading Time : **2 min**

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Happy Birthday (c)

In 1893, Mildred J. and Patty Smith Hill published the song *Good Morning to All*. The Hill sisters originally wrote the song for fellow teachers to sing to their students as they entered the classroom each morning. While the words in *Good Morning to All* may seem unfamiliar, the song's melody is unmistakably that of *Happy Birthday*. In subsequent decades, the song's more recognizable lyrics were incorporated, and companies began profiting off of the song via singing telegrams, movies and even a Broadway musical. The song's success prompted a lawsuit by the Hill family, who reclaimed its control over the song in 1935.

The Arguments

Defendant Warner/Chappell Music, Inc. argued that the copyright was transferred from the Hill sisters to Summy Co. in 1935, and Warner/Chappell Music, Inc. became the rightful holders of the copyright as successor in interest. If this were true, various changes to copyright laws would have protected the lyrics through 2030. However, U.S. District Judge George H. King was not convinced. Judge King pointed out that it is questionable as to whether the Hill sisters ever held a valid copyright to the lyrics, and, even if they did, there is no evidence that a valid transfer to Summy Co. ever took place. As a result, this case has thrown the well-known song into the public domain.

Why Now?

The copyright issue of *Happy Birthday* has been a topic of discussion for years, but it has remained largely unchallenged. Many television and movie studios argued that, even if

Warner/Chappell Music, Inc. did not own a valid copyright to *Happy Birthday*, the company could easily raise the cost of using its other songs to compensate its losses, or simply to punish a challenger.

Given these concerns, it is not surprising that the *Happy Birthday* lawsuit did not come from a major studio. Instead, the challenge was brought by Jennifer Nelson, the creator of a documentary that focuses on the history of the song.

Significance

The court's ruling has more significance than the song itself. Warner/Chappell Music, Inc. is likely to challenge the ruling rather than accept \$30 million in future lost revenue. Additionally, since Warner/Chappell Music, Inc. never owned a valid copyright to the lyrics, will it be forced to return the money it collected from the song? Finally, the birthday placeholders will likely disappear as television shows, movies and restaurants reclaim their right to sing *Happy Birthday* to children and reluctant teenagers.

Categories

Entertainment & Media

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