

"Happy Birthday To You" in court case

17th June, 2013



Picture: Creative Commons via kyz on Flickr.com

Everybody knows the song "Happy Birthday To You". It is the most popular and most often sung song in the English language. It is also now part of a legal case. A New

York film company called Good Morning To You (GMTY) Productions has opened a lawsuit that says the song belongs in the public domain. This means anyone can use it because there is no copyright on it. However, the record label Warner Music says it owns the copyright to the tune. GMTY is making a documentary about the history of the song and had to pay Warner Music \$1,500 to use it. If it didn't pay, it could have got a penalty of \$150,000. The boss of GMTY was angry about this fee and took the case to a court in New York.

The melody of "Happy Birthday To You" comes from the song, "Good Morning to All". This was written in 1893 by two sisters from Kentucky, USA. They wrote it because they thought it would be easy for young children to sing. The words to "Happy Birthday To You" were added to the tune around a decade later. One of the most famous performances of the song was when Marilyn Monroe sang, "Happy Birthday, Mr. President" in a sexy voice to John F. Kennedy in 1962. GMTY says any copyright on the song ran out almost 100 years ago. The company wants Warner Music to return the millions of dollars it has collected for the song. Warner Music has so far stayed quiet and has not commented on the court case.

Sources: Reuters / USA Today / Wikipedia

Writing

Copyright on songs is very important. Discuss.

Chat

Talk about these words from the article.

Happy Birthday / popular / English language / legal case / public domain / documentary / melody / easy to sing / performances / sexy voice / copyright / millions of dollars

True / False

- "Happy Birthday To You" is the second-most often sung English song. T / F
- The song is now part of a court case about copyright. T / F
- A company called GMTY Productions owns the copyright to the song. T / F
- Companies have to pay \$1,500 to use the song. T / F
- The tune to "Happy Birthday To You" came from a different song. T / F
- The words to "Happy Birthday To You" were written in 1893. T / F
- A company said the copyright to the song ended around a century ago. T / F
- The company Warner Music made a statement about the court case. T / F

Synonym Match

- | | |
|---------------|---------------------|
| 1. knows | a. lawsuit |
| 2. popular | b. gathered |
| 3. case | c. fine |
| 4. owns | d. is familiar with |
| 5. penalty | e. tune |
| 6. melody | f. finished |
| 7. added | g. common |
| 8. ran out | h. spoken about |
| 9. collected | i. possesses |
| 10. commented | j. attached |

Discussion – Student A

- Why is the song "Happy Birthday To You" so easy to sing?
- What do you know about Marilyn Monroe singing "Happy Birthday"?
- How do you feel when people sing a song for your birthday?
- When is the best time on someone's birthday to sing "Happy Birthday"?
- Should there be copyright on songs over 100 years old?
- Should Warner Music return the money it has collected for the song?
- Why do you think Warner Music is staying quiet?
- What questions would you like to ask Warner Music?

Phrase Match

- | | |
|-------------------------------|-------------------------------|
| 1. most often | a. the history of the song |
| 2. the song belongs | b. decade later |
| 3. making a documentary about | c. to a court |
| 4. The boss of GMTY was angry | d. so far stayed quiet |
| 5. took the case | e. "Happy Birthday To You" |
| 6. The melody of | f. about this fee |
| 7. it would be easy | g. out almost 100 years ago |
| 8. around a | h. sung song |
| 9. copyright on the song ran | i. for young children to sing |
| 10. Warner Music has | j. in the public domain |

Discussion – Student B

- What do you think of the song "Happy Birthday To You"?
- Is it better to sing it in English or your own language?
- What do you think of Warner Music saying it owns the song?
- Should the song "Happy Birthday To You" be in the public domain?
- Are there other songs you sing for birthdays?
- Who do you think will win the court case (and why)?
- What will be in the documentary about the song "Happy Birthday"?
- Should companies have to pay Warner Music \$1,500 to use the song?

Spelling

- the most lurppao
- the English angagleu
- the song lesbgon in the public domain
- it owns the rtoihycgp
- making a yudecontram
- a tanypel of \$150,000
- The dmlyoe of "Happy Birthday To You"
- This was niwtter in 1893
- around a adecde later
- famous frrsponecmea
- return the lnlsiiom of dollars
- has not ocdnmeetm on the court case

Answers – Synonym Match

1. d	2. g	3. a	4. i	5. c
6. e	7. j	8. f	9. b	10. h

Role Play

Role A – Warner Music

The copyright to "Happy Birthday To You" belongs to you. Anyone who uses the song to make money must pay you \$1,500. You have documents to show you own the song. Anyone who uses your song without paying must get a penalty of \$150,000. You will keep the copyright forever.

Role B – GMTY

You think it's crazy that Warner Music thinks it owns the copyright to "Happy Birthday To You". Tell the others three reasons why. You want back the \$1,500 you paid Warner. Tell Warner they stole the money from you. Also tell them "Happy Birthday To You" belongs to the whole world.

Role C – Copyright lawyer

You think Warner Music owns the copyright to "Happy Birthday To You" – they have the documents that say so. You understand "Happy Birthday To You" is a very popular song but the law is the law. People must pay to use the song. Try to ask Warner to put the song in the public domain.

Role D – Happy Birthday Music

You are a new company called Happy Birthday Music. You will make thousands of records using the words and tune to "Happy Birthday To You". You will never pay to use it. You think the song is part of history and cannot be copyrighted. Tell Warner it is being greedy and the world will hate them.

Speaking - Birthdays

Rank these and share your rankings with your partner. Put the best things about birthdays at the top. Change partners often and share your rankings.

- another year older
- birthday presents
- birthday cake
- the "Happy Birthday" song
- birthday wishes
- feeling it's your special day
- birthday cards
- birthday meal

Answers – True False

a	F	b	T	c	F	d	T	e	T	f	F	g	T	h	F
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Answers to Phrase Match and Spelling are in the text.