

NOT SO HAPPY BIRTHDAY

By
Dean Lundquist

"Hey, brave Johnie lad, cock up your beaver!"
- Robert Burns

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CHARACTERS

FRANK

A manly news anchorman.

LINDA

New employee in the legal affairs dept.

TIME

Now.

PLACE

The legal affairs office of a small TV station.

(LINDA is shifting boxes around the office as FRANK peeks in the door.)

FRANK

Hi excuse me.

LINDA

Oh hello.

FRANK

I'm Frank Cappazolli. I got an email that you wanted to see me?

LINDA

Yes, yes I do. Hi I'm Linda Loveless. I just started this week so I'm still settling in.

FRANK

I can see that.

LINDA

Sorry about the mess. So I wanted to talk to you about—

FRANK

Look I've been down here before on more than one occasion and I always go through this routine with the newbies.

LINDA

Uh huh.

FRANK

My personal expenses can be a little unusual—

LINDA

Thai massages. Aromatherapy. Parafin hand baths. Colonic irrigation. Coffee enemas?

FRANK

can explain all those, you see...

LINDA

I appreciate a man who tries to take care of himself.

FRANK

It's not that, It's—

LINDA

Nothing wrong with a little pampering now and again.

FRANK

I'm glad we understand each other.

LINDA

But that's not the problem.

FRANK

What's the problem?

LINDA

During the broadcast on February 11th, you sang "Happy Birthday" to Jerry McGill?

FRANK

Um...Yes I did.

LINDA

You don't deny it?

FRANK

Yes, no, but I can explain that. I was— wait it was his birthday, so why do I have to explain?

LINDA

You sang "Happy Birthday" on the air?

FRANK

Yes I did...Joe said it was okay.

LINDA

Who's Joe?

FRANK

Joe Gorgonzola.

Joe Gorgonzola? LINDA

Cheesy, huh? FRANK

Cheesy? LINDA

The executive producer. FRANK

The executive producer? LINDA

Yes. FRANK

He cleared it? LINDA

He cleared it. FRANK

Yes? LINDA

Yes. FRANK

I see. LINDA

So it's all right then? FRANK

Well, you see. My predecessor didn't clear it. LINDA

Who's your predecessor? FRANK

LINDA
Leonard Lipschitz.

FRANK
Who's Leonard Lipschitz?

LINDA
My predecessor.

FRANK
Look, I'm kind of in a hurry, so—

LINDA
Listen, I think it's charming that you and your buddy sing to each other on TV. Some may think it's a little fruity, but I don't.

FRANK
Oh, thank you very much.

LINDA
You're welcome, but nonetheless you can't do it any more.

FRANK
I can't?

LINDA
No, you can't.

FRANK
Why not?

LINDA
It's against the law.

FRANK
It's against the law to be a little fruity?

LINDA
No. It's against the law to sing "Happy Birthday" on TV.

FRANK
That's just wrong.

LINDA
No, it's not.

FRANK
Are you a bona fide lawyer?

LINDA
Yes, I am.

FRANK
You went to law school and stuff, right?

LINDA
Yep.

FRANK
You took the bar exam?

LINDA
Three times.

FRANK
So it's illegal to sing "Happy Birthday" on TV?

LINDA
International copyright law.

FRANK
"Happy Birthday" is copywritten? Copyrighted? Copyright protected? It's protected by copyright?

LINDA
That's right.

FRANK
Who holds the copyright to "Happy Birthday"?

LINDA
Mildred and Patty Hill.

FRANK
Mildred and Patty Hill?

LINDA
The authors.

FRANK
The authors?

LINDA
They wrote it.

FRANK
They wrote the song.

LINDA
The six note ditty.

FRANK
Only six notes?

LINDA
That's right.

FRANK
Hmph!

LINDA
Did you think that song just happened?

FRANK
Well...yeah.

LINDA
Well, it didn't. Two Kentucky kindergarten teachers wrote a song called "Good Morning to You" in 1893 which later lyrically morphed into "Happy Birthday to You" and was copyrighted in 1935 by The Summy Company. In 1990, Warner Chappell purchased the company owning the copyright for \$15 million, with the value of "Happy Birthday" estimated at \$5 million. Based on the 1935 copyright registration, Warner claims that copyright won't expire until 2030, and that unauthorized public performances of the song are technically illegal unless royalties are paid to it.

FRANK

Hmm. Well, you learn something new every day.

LINDA

Yes indeedy doody.

FRANK

Would they be happy with an autographed 8x10 colour glossy?

LINDA

Yes, I'm sure they would.

FRANK

Great!

LINDA

Except for the fact that they've been dead for over a hundred years.

FRANK

Oh.

LINDA

So you can just send Warner five thousand dollars instead.

FRANK

I'm sorry?

LINDA

They've billed the station five thousand dollars.

FRANK

Five thousand dollars to sing "Happy Birthday"?

LINDA

Yes.

FRANK

Ouch.

LINDA

Supposedly that song brings in over 2 million dollars in royalties each year.

FRANK

At five thousand dollars a pop, I can believe it.

LINDA

Royalty structure. Intellectual property law. Fair use. These may not mean much to you, Mr.Cappazolli, but I assure you, they mean a great deal to me and they meant a great deal to my predecessor.

FRANK

Leonard Lipschitz.

LINDA

Leonard Lipschitz.

FRANK

So I can't ever sing "Happy Birthday" without having to pay a royalty?

LINDA

You can, just not on the air.

FRANK

How about "Auld Lang Syne?"

LINDA

Robert Burns.

FRANK

Robert Burns?

LINDA

Eighteenth century Scottish poet. Author of poems chiefly in the Scottish dialect, most prominently "Auld Lang Syne" and the ever popular "Johnnie Lad, Cock up your Beaver".

FRANK

Cock up my Beaver?

LINDA

Cock up your Beaver.

FRANK

Are you serious?

LINDA

It's not what you think.

FRANK

Oh?

LINDA

It's a type of hat.

FRANK

Oh.

LINDA

Yeah.

FRANK

So can I sing it?

LINDA

I wish you wouldn't.

FRANK

Is it illegal?

LINDA

No, but please don't.

FRANK

Why not?

LINDA

I've heard you sing.

FRANK

"For He's a Jolly Good Fellow"?

LINDA

Who is?

FRANK

Huh? Oh, no one. But can I sing that?

LINDA

Yes. But only if there is a "Jolly Good Fellow" in the immediate vicinity.

FRANK

Is that the law?

LINDA

No, but it should be.

FRANK

Of course.

LINDA

Of course.

FRANK

So why can I sing "Auld Lang Syne" or "For He's a Jolly Good Fellow" but not "Happy Birthday"?

LINDA

Public domain.

FRANK

Public domain?

LINDA

Yes, after a certain period of time, the copyright expires.

FRANK

Like the date on a milk carton?

LINDA

Kind of. You see you could still drink the milk, but I wouldn't advise it.

FRANK

And then what happens?

LINDA

You'd get sick.

FRANK

If I sing the song?

LINDA

No if you drink the milk.

FRANK

No, I meant the song. When it expires?

LINDA

It becomes public domain.

FRANK

Meaning...

LINDA

Meaning that if no one extends the copyright, it belongs to the public, vis-à-vis the people—you and me.

FRANK

I see.

LINDA

Good.

FRANK

Good. *(Starts to leave and comes back)* You know what? From now on, I am only going to sing songs in the public domain.

LINDA

Go for it.

FRANK

Power to the people!

LINDA

That'll teach 'em.

FRANK

I'm not kiddin'!

LINDA

Knock 'em dead, buster.

FRANK begins to exit while singing "For He's a Jolly Good Fellow".

Hey! LINDA

What? FRANK

LINDA
Only when there's one in the vicinity!

FRANK
Oh, right. *(he winks at LINDA and exits)*

[END]