

Perbandingan perlindungan hak cipta antara undang-undang nomor 28 tahun 2014 tentang hak cipta dan U.S. code: title 17 - copyrights: studi kasus perlindungan hak cipta lirik happy birthday to you = The comparison of copyright law between Indonesian law no 28 of 2014 on copyright and U.S. code title 17 - copyrights: case study of happy birthday to you lyrics copyright

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Abstrak

**ABSTRAK**

Penulisan ini membahas mengenai permasalahan perlindungan hak cipta atas lirik dari sebuah lagu terkenal, berjudul "Happy Birthday To You". Lirik "Happy Birthday To You" merupakan karya turunan dari karya yang telah ada sebelumnya, yaitu lagu berjudul "Good Morning to All", yang diciptakan oleh Mildred dan Patty Hill. Diketahui bahwa lirik "Happy Birthday" menggunakan melodi "Good Morning", yang telah menjadi domain publik sejak lama. Namun, tidak diketahui apakah lirik tersebut dimaksudkan menjadi suatu joint work dengan melodi "Good Morning" atau tidak. Mempersulit permasalahan tersebut, pencipta sebenarnya dan pemilik hak cipta atas lirik "Happy Birthday" tidak diketahui dan tidak dapat diidentifikasi, sehingga lirik tersebut dapat dikatakan sebagai karya "yatim piatu". Disebabkan tidak diketahui dan tidak dapat diidentifikasinya penciptaan dan kepemilikan atas lirik "Happy Birthday", tidak terjadi pengalihan hak cipta yang sah dari Hill bersaudara kepada Summy Co., yang mengakibatkan lirik "Happy Birthday" tidak ada pemilik hak ciptanya dan saat ini menjadi domain publik.

Dalam upaya memahami lebih lanjut mengenai permasalahan perlindungan hak cipta atas lirik "Happy Birthday", penulis menganalisa tentang karya turunan, karya "yatim piatu", dan kepemilikan hak cipta dan pengalihannya, melalui dua peraturan yang berbeda, yaitu Undang-Undang Indonesia Nomor 28 Tahun 2014 Tentang Hak Cipta dan U.S. Code: Title 17 ? Copyrights.

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**ABSTRACT**

This study addresses the issue of copyright protection against the lyrics of a famous song, titled "Happy Birthday To You." "Happy Birthday To You" lyrics was initially a derivative works created from a preexisting work, a song titled "Good Morning To All" created by Mildred and Patty Hill. It is known that the "Happy Birthday" lyrics use the melody of "Good Morning," which has been in the public domain for long. However, it is unknown whether those lyrics are meant to be a joint work with the melody of "Good Morning" or not. To complicate the matter further is both the original creator and owner of "Happy

Happy Birthday lyrics are unknown and unidentified, thus the lyrics can be considered as an orphan work. Due to the unknown authorship and ownership of Happy Birthday lyrics, there had been no valid copyright assignments of it from Hill to Summy Co., which resulted in Happy Birthday lyrics has no copyright owner and now in public domain.

In an effort to comprehend further the problem of copyright protection against the lyrics of Happy Birthday, this author analyzes about derivative works, orphan works, and copyright ownership and assignment, from two different copyright acts, which are Indonesian Law No. 28 of 2014 on Copyright and U.S. Code: Title 17 Copyrights.