

Kluwer Copyright Blog

Bundeshymne, Supreme Court (Oberster Gerichtshof), 15 December 2010

Florian Philapitsch · Tuesday, March 22nd, 2011 · Kluwer Copyright Cases

The variation of the Austrian National Anthem by setting it to a modernised “rock-version” of the classic tune and by changing the line “You are home to great sons” to “You are home to great sons and daughters” for use in an information campaign by the Austrian Federal Ministry for Education, Arts and Culture, does not infringe the rights of the copyright holder. According to the Supreme Court, the use by a Federal Ministry in an information campaign is covered by the contractual assignment of rights by the original lyrics’ author to the Republic of Austria and does not constitute a “commercial use”. The textual changes leave the meaning of the lyrics untouched, they fit the style of the rhythmised “rock-version” and do not disfigure the work.

The [full summary](#) of this case has been posted on [Kluwer IP Law](#).

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