

# Kluwer Copyright Blog

## Copyright in Ireland's national anthem due to expire in 2012

Guido Westkamp (Centre for Commercial Law Studies at Queen Mary, University of London) · Thursday, May 5th, 2011

[By Luke McDonagh] The Irish Times has today reported that the copyright in the Irish national anthem is due to expire next year. When the copyright in “A Soldier’s Song”, or as it is known in its Irish language version, “Amhrán na bhFiann”, expires at the end of 2012, the debate is expected to reopen in Ireland about whether the anthem ought to be replaced.

As reported by the Irish Times, the Minister for Finance, Michael Noonan, has stated that the primary reason that the state holds the copyright in the national anthem, which was purchased in 1933, is to ensure that the anthem is freely accessible and available to all and particularly to ensure that performance fees are not charged for its use. However, it must be noted that this will remain the case when the anthem falls into the public domain – the anthem will be free to use.

Mr Noonan also stated that the state sought to ensure that the piece was not used “in an inappropriate context and without due deference, such as to render it an object of scorn or derision”. To some extent this might appear to be a legitimate concern, but it must be noted that the anthem of the US, ‘The Star Spangled Banner’, is long out of copyright. Furthermore, in the US ‘The Star Spangled Banner’ has been performed in a variety of unusual settings, most famously perhaps by Jimi Hendrix at the Woodstock festival in 1969. Whether the use of the US anthem in this way could be described as being ‘inappropriate’ or not, its status as a national anthem has apparently not been affected by such ‘reinterpretations’. Therefore, concerns about the ‘integrity’ of the work may be overstated.

The full story can be found here:

<http://www.irishtimes.com/newspaper/frontpage/2011/0505/1224296148087.html>

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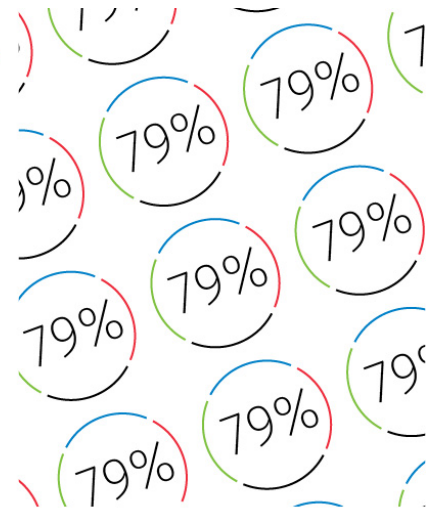
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