

Exhibit 9

Date July 1, 1964

Copies:

To Mr. Harry Garfield☐From Joseph S. Dubin☐Subject HAPPY BIRTHDAY TO YOU☐

The above song originally entitled, GOOD MORNING TO ALL, lyrics by Patty S. Hill and music by Mildred J. Hill, was copyrighted by Clayton F. Summy Co. on October 13, 1893. There were later publications of the song but since none of the later publications gave notice of the copyright in 1893, it may very well be that by reason thereof the song passed in the public domain.

The 1893 copyright was renewed in 1921, as well as the subsequent copyrights, but the later renewals amounted to nothing since there can only be a single copyright on any work and the later attempts to copyright the song could have no effect on extending the original term. The 1893 copyright was renewed by Jessica M. Hill, claiming as next of kin of the deceased Mildred S. Hill, but the original renewal should have been made in the name of Patty S. Hill, one of the authors, who was then still alive, instead of Jessica M. Hill.

However, whether the original copyright was lost because of the later publications of the song without reference to the original notice, or whether the copyright was properly renewed is no longer important, since the copyright in the song expired in 1949.

The words of the song were changed from "good morning to all" to "happy birthday to you" and a new version of the song was registered under the title, HAPPY BIRTHDAY by Clayton F. Summy Co. on December 27, 1934, with subsequent registrations in 1935. The title was then expanded to HAPPY BIRTHDAY TO YOU which was copyrighted by Clayton F. Summy Co. on December 6, 1935.

I am of the opinion that the change of the lyrics from "good morning to all" to "happy birthday to you" was not a sufficient writing of an "author" within the meaning of the Copyright Law as to secure copyright protection therein. In addition, nobody, including Clayton F. Summy Co., knew who was the source of such change in lyrics and, consequently, no one could claim copyright in the new lyrics.

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While arrangements may be copyrighted as new works, the copyright covers only the particular arrangement, and as long as you do not use any particular arrangement, the song, HAPPY BIRTHDAY TO YOU, is available, being in the public domain.

JSD:amc