

The Charleston Enters the Public Domain

ALISON HALL

Under the Sonny Bono Copyright Term Extension Act, published works made in 1923 or afterward that were still protected by copyright in 1998 would not enter the public domain until 2019 or later. So on January 1, 2019, published works entered the public domain in the United States for the first time in twenty years. One famous musical work new to the public domain is “The Charleston.”

“The Charleston” music was composed in 1923 by James P. Johnson with lyrics by Cecil Mack. It was registered with the Copyright Office in September 1923 by music publisher Harms, Inc. of New York. It was first featured in the Broadway musical comedy show *Runnin’ Wild*, which premiered at the New Colonial Theatre in New York on October 29, 1923.

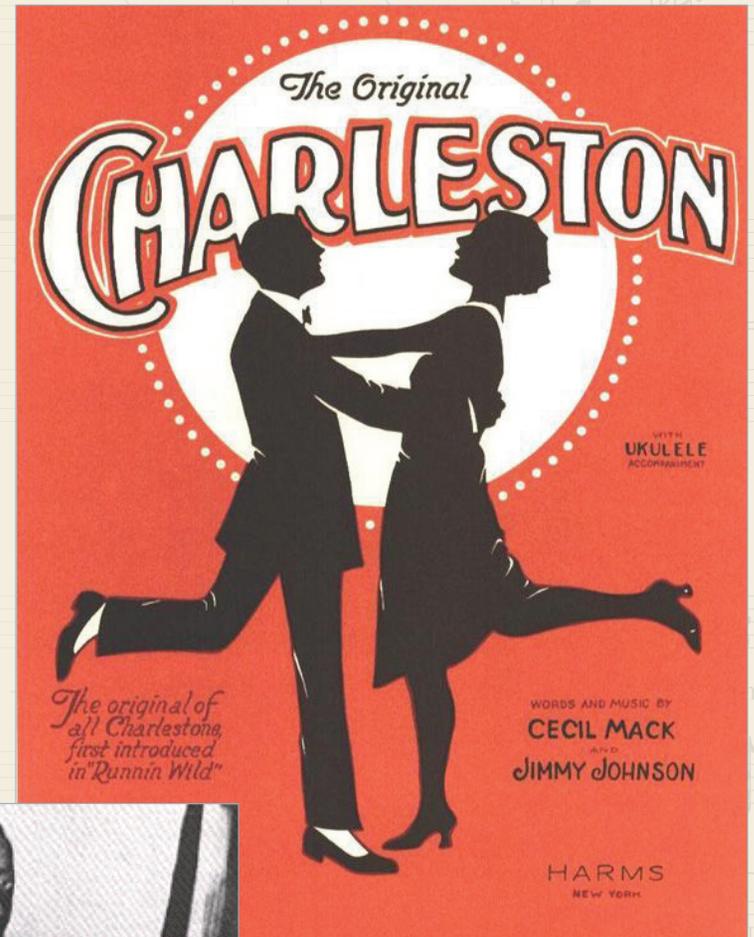
Johnson had said that the music of South Carolina dockworkers inspired the music. After *Runnin’ Wild*, the music, most often without the lyrics, was featured in numerous films. Ginger Rogers danced to it in the film *Roxie Hart* in 1942. The music was played during school dance scenes in movies *It’s a Wonderful Life* and *Margie* in 1946. And in 1950, the movie *Tea for Two*, starring Doris Day and Gordon MacRae, used the song in a featured production number.

More recently, Enoch Light and the Charleston City All Stars’ recording of “The Charleston” appeared in Woody Allen’s 2011 film *Midnight in Paris*. And “Bang

Bang,” performed by Will.I.Am on 2013’s *The Great Gatsby* soundtrack, samples “The Charleston” music.

Most performances and recordings since the 1920s have left out the lyrics. However, in 1961, Chubby Checker sang the lyrics in his recording of “The Charleston” on his album *It’s Pony Time*. And students from Metropolitan School of the Arts sang and danced to an arrangement at the Copyright Matters event “The Public Domain: Celebrating the Lifecycle of Copyright.”

All of these recordings or arrangements were done before the song entered the public domain, therefore the artists needed permission to create or perform the works. Now that “The Charleston” is in the public domain, artists are free to adapt and record it as they like. However, any derivative work created after 1923 could be under copyright protection. Those wanting to use the song are responsible for ensuring they’re using it in a legal way. ©



Above: The original sheet music for “The Charleston.”



Left: James Johnson at the piano, composer of “The Charleston.”