

# ***George Harrison Guilty of Plagiarizing, Subconsciously, a '62 Tune for a '70 Hit***

George Harrison, the former Beatle, was found guilty yesterday of "subconsciously" plagiarizing the 1962 John Mack tune "He's So Fine" for Mr. Harrison's 1970 hit record, "My Sweet Lord."

Judge Richard Owen of the United States District Court in Manhattan, a composer himself, ruled that Mr. Harrison was guilty of copyright infringement, although the judge concluded. "I do not believe he did so deliberately."

Judge Owen scheduled Nov. 8 for trial on the issue of damages in the lawsuit brought against Mr. Harrison by the Bright Tunes Music Corporation, which owns the copyright to "He's So Fine."

"It is clear," the judge said, "that 'My Sweet Lord' is the very same song as 'He's So Fine.' This is, under the law infringement of copyright and is no less so even though subconsciously accomplished."

"He's So Fine" was one of the top hits

in England in 1963, Judge Owen said. Years later Mr. Harrison began putting together his "My Sweet Lord" during a singing engagement in Copenhagen, Judge Owen said, and completed it in London. The song was issued by Apple Records, the Beatles' recording company.

Judge Owen said it was apparent from the trial evidence that Mr. Harrison had not been conscious of the fact that he was plagiarizing the theme of "He's So Fine."

"I conclude," he said, that the composer, "in seeking musical materials to clothe his thought . . . there came to the surface of his mind a particular combination that pleased him as being one he felt would be appealing to a prospective listener." Mr. Harrison's subconscious mind, Judge Owen said, "knew this combination of sounds would work because it already had worked in a song his conscious mind did not remember."

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