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HIGH COURT OF JUSTICE.

TEETZEL, J.

JANUARY 4TH, 1912.

*CARTWRIGHT v. WHARTON.

*Copyright—Infringement—Law List—System of Indexing—
Lists of Names in Part Copied—Errors Common to both
Publications—Effect on Whole of Copying Part—Injunction
—Damages.*

Action for damages and an injunction for the alleged infringement by the defendant of the plaintiff's copyright, under the Dominion Copyright Act, in "The Canadian Law Lists (Hardy's), 1910."

The plaintiff and defendant had for some years been in partnership, and had published a number of former editions of the said law list, and were joint owners of the copyright. The partnership was dissolved early in August, 1910, and the plaintiff purchased the defendant's interest in the copyright. By the terms of the agreement of dissolution, the defendant was expressly permitted to engage in a rival business; and he immediately began preparations to publish another law list for 1911, which was published in February, 1911, and is called "The Canadian Legal Directory, 1911;" and the plaintiff charged that this publication constituted an infringement of his copyright in the 1910 edition of his law list.

J. H. Moss, K.C., for the plaintiff.

D. T. Symons, K.C., for the defendant.

TEETZEL, J. (after setting out the facts as above):—The particulars of the charge chiefly relied upon are:—

(1) The system of indexing the Toronto agents of Ontario solicitors in use in the plaintiff's publication has been copied in the defendant's publication from the plaintiff's publication.

*To be reported in the Ontario Law Reports.