

Printer and Publisher.

VOL. IX—No. 8.

TORONTO, AUGUST, 1900.

\$2.00 PER YEAR

Newspaper Reports of Speeches are Copyright.

CURIOUS AND INTERESTING DECISION IN THE IMPERIAL FINAL COURT—
CAN IT BE MADE TO APPLY TO CANADA?

MUCH interest centres upon the decision by the House of Lords, August 6, in favor of newspaper copyright in speeches. It is now established by legal decision that a newspaper report of a man's speech is copyright and cannot be reissued in another form without permission.

The case arose in this way. John Lane, the London publisher, issued in book form a number of recent speeches of the Earl of Rosebery. The reports used were those in *The Times* newspaper. At once Messrs. Arthur F. and Godfrey Walter, acting for *The Times*, took steps to restrain the circulation of the book.

THE CASE FOR THE NEWSPAPER

Their case was that they had for many years employed skilled persons to attend public meetings and to compose descriptions and reports of the proceedings and of the speeches made there for publication in *The Times* on the terms that the copyright in such descriptions and reports should belong to such proprietors, and they had for years past incurred a large expenditure in payment for such descriptions and reports. The persons so employed took notes of the proceedings, and so far as possible verbatim shorthand notes of the speeches, and afterwards composed a descriptive account of the proceedings, and carefully transcribed their shorthand notes, and corrected, revised and edited the transcript, eliminating repetitions, correcting and supplying manifest errors and omissions, and verifying quotations, and then so arranged the descriptive accounts of the proceedings and the finally edited reports of the speeches as to represent as accurately as possible the proceedings, and the material parts of and the sense of the speeches, and these operations involved considerable skill and labor. Under these arrangements the proprietors published descriptions and reports in *The Times* of various speeches of Lord Rosebery, and complied with all the

requirements as to registration contained in the *Copyright Act*, 1842. In June, 1899, the respondent published, without the consent of the proprietors, a book entitled, "Appreciations and Addresses by Lord Rosebery," which contained verbatim, or nearly verbatim, copies of the reports of the speeches published in *The Times*. Lord Rosebery had never claimed, and did not claim, the copyright in any of the speeches.

PREVIOUS LEGAL PROCEEDINGS.

On June 30, 1899, the appellants commenced an action in the Chancery Division against the respondents, claiming a declaration that they were entitled to the copyright in the reports published in *The Times*, and an injunction to restrain the respondent from infringing such copyright. During the proceedings the respondent admitted that if the reporters, by whom the reports were composed, were the authors of them, within the meaning of the Act, the proprietors of *The Times* were entitled to the copyright therein. He, however, alleged that the reporter was not the author or composer of the matter in which he claimed copyright within the meaning of the *Copyright Act*, 1842. Mr. Justice North decided in favor of the contention of the appellants, holding that a speech and the report of a speech were two different and distinct things, and that there might be copyright for the reporter in his report of a speech even as against the orator. The Court of Appeal, however, reversed this decision, being of opinion that the reporter was not an author within the meaning of the *Copyright Acts*, and that in the case of verbatim reports, he added nothing to the words already published, which gave him a copyright in his report. Hence the present appeal, by which the appellants sought to have the judgment of Mr. Justice North restored.

DECISION OF THE FINAL COURT.

On August 6, the Lord Chancellor (Lord Halsbury) gave judgment on the arguments which had taken place