

## The Legal News.

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### COPYRIGHT IN NEWSPAPER ARTICLES.

The proprietors of newspapers have recently exhibited themselves as somewhat greedy in asking for special privileges in the conduct of their business; but no one will grudge a legitimate victory like that obtained in the cases of *Cate v. The Devon and Exeter Constitutional Newspaper Company (Lim.)*, 58 Law J. Rep. Chanc. 288, and *The Trade Auxiliary Company v. The Middlesbrough Protection Association*, 58 Law J. Rep. Chanc. 293, to be reported in the May number of the *Law Journal Reports*. The plaintiffs in both these cases were substantially the same, being the proprietors of the well-known *Stubbs's Gazette* and *Perry's Gazette*, and of the *Commercial Compendium*, by which last name Mr. Justice North, with some reason, did not know what was meant. They combined in the first case as partners, and in the second as a limited company, to supply the commercial world with a list of those against whom bills of sale and deeds of arrangement have been registered under the Acts of 1882 and 1888. Greater interest appears to have been taken in these same subjects in the west and in the north than in the view of the proprietors of the *Devon and Exeter Daily Gazette* and the *Middlesbrough Protection Association* was thought sufficiently supplied by these publications. In any case they published similar lists, and when on certain occasions the plaintiffs' clerks were instructed to insert fictitious entries these duly appeared in the rival lists. Thereupon actions were brought and heard respectively before Mr. Justice North and Mr. Justice Chitty, with the result that the plaintiffs were successful in both, with the weight in the second of the authority of the Court of Appeal.

The point of most importance decided by these cases is the point of least difficulty, and arises mainly from the fact that in *Cox v.*

*The 'Land and Water' Journal Company*, 39 Law J. Rep. Chanc. 152, Vice-Chancellor Malins had laid down that a newspaper is not a periodical work within the meaning of section 18 of the Copyright Act, 1842. This decision was pronounced by the late Master of the Rolls, in *Walter v. Howe*, 50 Law J. Rep. Chanc. 621, to be opposed to the plain wording of the Act of Parliament; but as the view of the Master of the Rolls was not necessary for the decision of the case before him, technically the decision of Vice-Chancellor Malins was binding on the High Court. The judges of that Court, including Justices North and Chitty, in their decisions have with one consent kicked against the pricks of that case; but it is as well that it should now be formally pronounced overruled, as follows from the decision of Lords Justices Cotton, Lindley, and Lopes in the second of the two cases. Minor points of some interest are, moreover, dealt with. Mr. Justice North rightly decides that a registration of a newspaper under the Copyright Act, as first published June 15, 1858, is not made irregular by a statement in the title-page that it was established in 1855. It lay on the defendants to show that the paper was published before the date given in the registration, which no doubt they might easily have tested by a visit to the British Museum. The statement on the title-page was probably due to the natural exaggeration which gathers round most institutions as to the antiquity of their origin. The same learned judge decided that the Newspaper Libel Registration Act, 1881, is passed, *alio intuitu* to the subject of copyright. His observation that the duty of registration imposed on the publisher to register does not include a proprietor can hardly be safely acted upon for the very reason why the decision on the previous point is right—namely, that the Act is dealing with newspapers from the point of view of libel in which the proprietor is a publisher, and not of copyright in which the word is used in its business, not its legal, sense. He also decides a point on which his decision is expressly confirmed by the Court of Appeal in the appeal from Mr. Justice Chitty—namely, that the proprietor of a newspaper