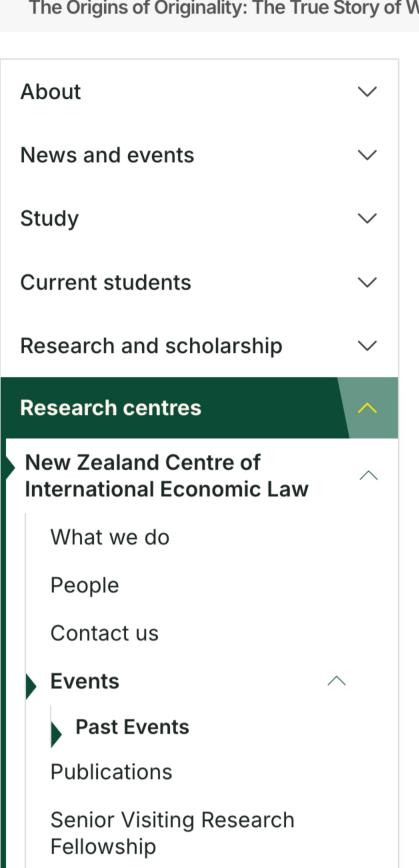
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The Origins of Originality: The True Story of Walter v Lane

Dr Barbara Lauriat

Originality is a cornerstone of contemporary copyright law; in order to receive protection, works must be 'original'. Yet, throughout the Commonwealth, lawyers must rely on common law interpretations rather than statutory definitions to delineate the boundaries of originality for copyright purposes. One of the persistent challenges for the courts has been identifying when a copy of a work can itself be an original work.

This question of protecting copies of other works arose before originality was even a statutory requirement. In the classic case of Walter v Lane (1900), the House of Lords decided that verbatim reports in The Times of speeches given by the politician Lord Rosebery were protected under the existing copyright legislation. Walter v Lane is a seminal copyright case still cited in 21st-century judgments. But recent archival research has revealed it was also principled personal conflict, with the Bodley Head publisher John Lane (1854-1925) and Liberal editor Charles Geake (1867-1919) on one side and Charles Frederic Moberly Bell (1847-1911), the Managing Director of The Times, on the other. This feud caused embarrassment and upset to Lord Rosebery himself, a friend to both Moberly Bell and Geake, who found himself caught in the middle. This lecture will explore the true story behind Walter v Lane and consider what, if any, lessons the case can still teach us about copyright law today.

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