

Khong, Dennis W. K. 2006. "Copyright failure and the protection for tables and compilations." *Script-ed* 3, no. 2 (June): 108-129. Available at <http://www.law.ed.ac.uk/ahrb/script-ed/vol3-2/khong.asp>.

Appendix

Sole Source Databases

<i>Case Name</i>	<i>Summary</i>	<i>Remedy</i>
[S1] <i>Joseph G. Walford and Ors. v. William Johnston and Son</i> (1846) 20 Dunl (Ct of Sess) 1160.	Custom house books compiled through the authority from the Lords of Treasury.	Copyright and interim interdict affirmed.
[S2] <i>William Maclean and Ors. v. Andrew Moody</i> (1858) 20 Dunl (Ct of Sess) 1154.	Shipping list of which complainers have exclusive access.	Copyright recognised. Case remitted back to Outer Court for jury trial on the issue of piracy.
[S3] <i>Greyhound Racing Association, Ltd. v. Shallis</i> [192228] MCC 370.	List of starting position of racing greyhounds, created from random balloting.	No copyright.
[S4] <i>British Broadcasting Company v. Wireless League Gazette Publishing Company</i> [1926] 1 Ch 433 (Ch 1926).	Television programming.	Injunction granted.
[S5] <i>Football League Ltd. v. Littlewood Pools Ltd.</i> [1959] 1 Ch 637 (Ch 1959).	Chronological list of football matches.	Copyright declared, though no injunction for past infringement, and no new lists yet for further matches.
[S6] <i>Independent Television Publications Ltd. v. Time Out Ltd. and Elliott</i> [1984] FSR 64 (CA 1983).	Television programming. Licensing scheme available.	Interlocutory injunction granted.
[S7] <i>Express Newspapers Plc. v. Liverpool Daily Post & Echo Plc. and Ors.</i> [1985] 3 All ER 680, [1985] FSR 306.	Newspaper contest results.	Interlocutory injunction granted.

Quasi-Public Source Databases

<i>Case Name</i>	<i>Summary</i>	<i>Remedy</i>
[Q1] <i>Pitman v. Hine</i> (1884) 1 TLR 39 (QB 1994).	Shorthand codes.	Injunction granted.
[Q2] <i>Ager v. Peninsular and Oriental Steam Navigation Co.</i> (1884) LR 26 Ch D 637.	Telegraphic code. Defendant, using the plaintiff's code, compiled a book for their agents' internal use.	Injunction granted.
[Q3] <i>Ager v. Collingridge</i> (1886) 2 TLR 291.	Telegraphic code. Defendant, using the plaintiff's code, compiled a book for their agents' internal use.	Injunction granted.
[Q4] <i>Exchange Telegraph Company Ltd. v. Gregory & Co.</i> [1896] 1 QB 147 (CA 1895).	Stock exchange information supplied to plaintiff. Defendant obtained information from plaintiff and publish it before plaintiff's publication.	Injunction granted.
[Q5] <i>D. P. Anderson & Co. Ltd. v. Lieber Code Co.</i> [1917] 2 KB 469.	Telegraphic code.	Injunction granted.
[Q6] <i>Masson Seeley v. Embosotype</i> (1924) 41 RPC 160.	Catalogue of cuttercrush machines, types, etc. Defendant competitor publish a catalogue with same information and description.	Injunction granted.
[Q7] <i>Purefoy Engineering Co. v. Sykes Boxall & Co.</i> (1955) 72 RPC 89106 (CA 1955).	Code numbers for standard parts. Defendant contended that information was taken from the parts themselves.	No infringement.

Public Source Databases

<i>Case Name</i>	<i>Summary</i>	<i>Remedy</i>
[P1] <i>Taylor v. Bayne</i> (1776) 10 Mor. Dict. (Morison's Dictionary of Decisions (Scot.)) 8308 (Scotland). (1776) 10 Mor. Dict. App. 7.	Road book. Piracy proved.	Interdict granted.
[P2] <i>Sayre and Ors. v. Moore</i> (1785) 1 East. 361n; 102 ER 139–140.	Sea charts. Defendant copied and made alterations and improvements. Plaintiff's map inferior to defendant's.	No infringement.
[P3] <i>Carnan v. Bowles</i> (1786) 2 Bro.C.C. 80; 29 ER 4548. (1786) 1 Cox 283; 29 ER 1168–1169.	Plaintiff's road book in letterpress. Defendant published great roads in copperplate and crossroads in letterpress. Both editions made by the same author.	Injunction subsequently dissolved, thinking that the second work though contained copied matter, is original in itself.
[P4] <i>Trusler v. Murray</i> (1789) 1 East. 363n; 102 ER 140–141.	Book of chronology.	Case referred to arbitrator for comparison. Copying not allowed.
[P5] <i>Cary v. Faden</i> (1799) 5 Ves. Jun. 24; 31 ER 453–454.	Road book. Errors copied, though with improvements. Plaintiff's book copied from defendant's earlier edition, and defendant copied from plaintiff's.	No order made.
[P6] <i>Cary v. Longman & Rees</i> (1801) 1 East 358; 102 ER 138–140. 3 Esp. 273; 170 ER 613–614.	Road book. Plaintiff's book copied from earlier work with improvements.	Nominal damages.
[P7] <i>Cary v. Kearsley</i> (1802) 4 Esp. 168; 170 ER 679–680.	Road book.	Case reverted to jury, on whether copying was to make a new book with new arrangement of matter, or colourably to steal the plaintiff's copyright.

<p>[P8] <i>Matthewson v. Stockdale</i> (1806) 12 Ves. Jun. 270; 33 ER 103–106.</p>	<p>East India Calendar, containing names and appointments on the Indian Establishment. Plaintiffs, being the clerks in the India House, are the cheapest cost compilers.</p>	<p>Injunction maintained.</p>
<p>[P9] <i>Longman v. Winchester</i> (1809) 16 Ves. Jun. 269; 33 ER 987–988.</p>	<p>Court calendar. Copying admitted.</p>	<p>Injunction granted.</p>
<p>[P10] <i>Baily v. Taylor</i> (1829) 1 Russ. & M. 73; 39 ER 28.</p>	<p>Leases and annuities tables, which can be calculated in a few hours' time.</p>	<p>Injunction refused. Plaintiff at liberty to claim suit in court of law.</p>
<p>[P11] <i>Nichols v. Loder</i> (1831) 2 Coop. T. Cott. 217; 47 ER 1135.</p>	<p>Map of canals and railroads. No piracy proved.</p>	<p>Injunction refused.</p>
<p>[P12] <i>Kelly v. Morris</i> (1866) LR 1 Eq 697.</p>	<p>London directory. Defendant copied some information from plaintiff's directory.</p>	<p>Injunction granted against those parts copied.</p>
<p>[P13] <i>Scott v. Stanford</i> (1867) LR 3 Eq 718.</p>	<p>Coal import statistics. Plaintiff cheapest cost compiler.</p>	<p>Injunction granted.</p>
<p>[P14] <i>Morris v. Ashbee</i> (1868) LR 7 Eq 34.</p>	<p>Business directory.</p>	<p>Injunction granted against the list of names.</p>
<p>[P15] <i>Cox v. Land and Water Journal Company</i> (1869) LR 9 Eq 324.</p>	<p>List of hounds.</p>	<p>Preliminary injunction refused.</p>
<p>[P16] <i>Morris v. Wright</i> (1870) LR 5 Ch App 279.</p>	<p>Business directory. Defendant used plaintiff's information for verification.</p>	<p>Preliminary injunction maintained.</p>
<p>[P17] <i>Cobbett v. Woodward</i> (1872) LR 14 Eq 407.</p>	<p>Catalogue with description of furniture. Partial copying</p>	<p>Plaintiff entitled to proven. injunction against synopsis, but not description of common articles.</p>

<p>[P18] <i>Grace v. Newman</i> (1872) LR 19 Eq 623.</p>	<p>Catalogue of cemetery headstones. Defendant copied from plaintiff's.</p>	<p>Injunction granted.</p>
<p>[P19] <i>Maple & Co. v. Junior Army and Navy Stores</i> (1882) LR 21 Ch 369 (CA).</p>	<p>Catalogue of furniture, with original engravings. Defendant copied from plaintiff's.</p>	<p>Injunction maintained.</p>
<p>[P20] <i>Trade Auxiliary Company v. Middlesborough and District Tradesmen's Protection Association</i> (1888) 40 Ch 425 (CA 1889).</p>	<p>Lists of registered bills of sales and deed of arrangement. Defendant copied plaintiff's fictitious entries.</p>	<p>Injunction maintained.</p>
<p>[P21] <i>Cate v. Devon and Exeter Constitutional Newspaper Company</i> (1889) 40 Ch 500.</p>	<p>Lists of bankruptcies, bills of sale, etc.</p>	<p>Injunction granted.</p>
<p>[P22] <i>Leslie v. J. Young & Sons</i> [1894] AC 335 (HL 1894).</p>	<p>Republication of railway time table from plaintiff's book. Copying admitted.</p>	<p>No liability.</p>
<p>[P23] <i>Weatherby & Sons v. International Horse Agency and Exchange, Ltd.</i> [1910] 2 Ch 297.</p>	<p>Stud book with list of brood mares.</p>	<p>Plaintiff entitled to succeed in the action. An action to restrain infringement of copyright would lie though no damage was shewn.</p>
<p>[P24] <i>H. Blacklock & Co. v. C. Arthur Pearson</i> [1915] 2 Ch 376 (Ch 1915).</p>	<p>List of railway stations, for use in defendant's competition.</p>	<p>No injunction but only damages, as competition was over.</p>
<p>[P25] <i>Odham's Press, Ltd. v. London and Provincial Sporting News Agency</i> [1935] Ch 672.</p>	<p>Starting prices of bets in horse racings.</p>	<p>No copyright.</p>

<p>[P26] <i>G. A. Cramp & Sons, Ltd. v. Frank Smythson, Ltd.</i> [1944] AC 329, [1944] 2 All ER 92 (HL 1944).</p>	<p>Tables in pocket diary.</p>	<p>No copyright.</p>
<p>[P27] <i>Elanco Products Limited and Anor. v. Mandops (Agrochemical Specialists) Ltd. & Anor.</i> [1979] FSR 46, [1980] 8 RPC 213 (CA 1978).</p>	<p>Instruction on use of herbicide. Patent on herbicide expired. Defendant's label contains same data but in a different format and language. Most data could be traced to a public source.</p>	<p>Interlocutory injunction granted.</p>
<p>[P28] <i>Waterlow Publishers Ltd. v. Rose</i> (1990) 17 IPR 493, [1995] FSR 207 (CA 1989).</p>	<p>Directory of practising solicitors. Plaintiff has access to cheapest cost compiler, the Law Society.</p>	<p>Infringement upheld, although the data had been checked, verified or updated before insertion in the defendant's directory.</p>
<p>[P29] <i>Waterlow Directories Ltd. v. Reed Information Services Ltd.</i> (1990) 20 IPR 69, [1992] FSR 409 (Ch 1990).</p>	<p>Directory of barristers and solicitors. Defendant entered names from plaintiff's directory into a word processor and sent letters to said persons to invite them to be included in defendant's directory. Plaintiff has access to cheapest cost compiler, the Law Society.</p>	<p>Injunction granted.</p>
<p>[P30] <i>VNU Business Publications BV v. Ziff Davis (UK) Limited</i> [1992] RPC 269.</p>	<p>Directory of corporate computer users and suppliers, for use as mailing list, with seed entries.</p>	<p>Plaintiff refused to disclose identity of seed entries. Interlocutory order for the defendant.</p>

Public Source Databases With Creative/Unique Selection/Composition

<i>Case Name</i>	<i>Summary</i>	<i>Remedy</i>
[C1] <i>Spiers v. Brown</i> (1858) 6 WR 352.	Material from French-English dictionary.	No infringement as result produced was a different work.
[C2] <i>Hotten v. Arthur</i> (1863) 1 H & M 603; 71 ER 264.	Catalogue of books with original anecdotes and descriptions.	Injunction granted.
[C3] <i>Mack v. Petter</i> (1872) LR 14 Eq 431.	Birthday scripture text book. Daily bible quotes in birthday diary.	Injunction granted.
[C4] <i>Chilton v. Progress Printing and Publishing Company</i> [1895] 2 Ch 29 (CA 1895).	Selected predictions of winning horses.	No copyright.
[C5] <i>Collis v. Cater, Stoffell, and Fortt Ltd.</i> (1898) 78 LT (NS) 613.	Chemist's trade catalogue.	Injunction granted.
[C6] <i>Ladbroke (Football), Ltd. v. William Hill (Football), Ltd.</i> [1964] 1 All ER 465, [1964] 1 WLR 273 (HC 1964).	Football betting coupons. Substantial copying proven.	Injunction maintained.