

## COPYRIGHT IN NEWSPAPERS.

It does not appear by whom the bill was instigated which Mr. HEWITT has introduced, providing for a copyright of the titles of newspapers, nor what interests it can be meant to subserve. The title of a newspaper is a trade-mark, which it seems is already sufficiently protected. The proprietor of an established newspaper could undoubtedly, under the law as it stands, procure an injunction and the award of damages against any competitor which assumed a title nearly enough like that of his own to be mistaken for it or to constitute an imitation of it.

If the intention of the law be to secure a copyright of the contents of newspapers, it is in opposition to what most owners of newspapers conceive to be their interests. It seems that a number of country newspapers, which largely subsist upon the enterprise of their larger contemporaries in the cities, have taken this view of the bill, and invoked the opposition of their Representatives in Congress. It is no doubt true that if the contents of newspapers were copyrighted, the owners of the larger papers would have it in their power to make things very unpleasant for the country newspapers which are beneath the rule of men with whom the scissors are mightier than the pen. Many a rural editor, looking back over a career of small piracies, might well shudder at the prospect of a law which should enable his victims to exact security for the future even though he were secure of indemnity for the past.

On the other hand, it is very unlikely that any newspaper would take advantage of its rights to persecute the editor whose imitation is the sincerest flattery he can offer. Priority of publication is so enormous an advantage in the business of printing news, that when this advantage is secured the newspaper which has secured it can afford to look with complacent indifference upon copyists. There is nothing, for example, to prevent a man from establishing a paper to be published here in New-York at noon, or even in the early forenoon, which shall contain all the news of all the morning papers and shall be sold for a tenth part of what all the morning papers cost. Nobody has ever done this, because nobody has ever believed that such an enterprise would pay. News once printed is abandoned by the original publisher, who has already made his profit from it, to whoever may choose to reproduce it.

It may, however, be said that equity requires a man who reprints news or opinions which he owes to the enterprise or the thought of another to make acknowledgement of the source from which he derives what he at least thinks valuable. It is no doubt annoying to have matter which has cost money or pains to produce reproduced without giving the reader of the reproduction any notion to whom he is really indebted; and perhaps this annoyance may in some cases amount to a real grievance estimable in damages. The obligation to give credit is now an obligation of courtesy merely. There are difficulties in the way of making it a legal obligation. For example, a column of paragraphs derived from all manner of sources may owe its whole attractiveness for the reader to the cleverness and tact of the compiler, his address in selection and presentation. It would be a monstrous hardship if the purveyor of the original material for each paragraph should have and exercise the legal right to reclaim his contribution to the total. Where there is no skilled labor concerned in the borrowing, but it is a mere extraction of articles without mention of their authorship, there might be a case for copyright. But the line between the two would often be very hard to draw, and, upon the whole, it seems safer to bring about the desired result by cultivating a spirit of courtesy than by turning an obligation of courtesy into a legal obligation, which perverse persons might easily make a means of oppression.