

COPYRIGHT CASE IS FINALLY SETTLED

LONG, DRAWN OUT DISPUTE CALLED OFF BY PAYMENT OF \$250.

FRANK SCOBIE OF SLEEPY EYE GETS \$25 APiece FOR POST CARDS

Occasionally the injustice of the law is framed and taken advantage of by those whose fingers itch for easy money in the small city as well as in the larger places. Such was the case when Frank Scobie of Sleepy Eye demanded the ridiculous sum of \$200.00 apiece for the use of photographs which he placed on the open market at 5 cents each. The Federal Law gives permission to artists, (and others) to copyright their works of art. The law was framed in the interest of large publishers who secure their works of art at enormous expense, sending their men to all parts of the globe to secure photographs to be used in their publications. Mr. Scobie saw a chance to make a little money on the side and he too secured copyrights on photographs taken by him which forbade anyone to reproduce his pictures without permission and without paying tribute. He acted on the theory that most of the people would be ignorant of the provisions of the copyright law and in this surmise he has been correct, for the Review is not the first victim to fall into the gnetic hands of Scobie Illustrated Hospital.

Five years ago when the Lovette Hospital had just been completed and was about to be dedicated Mr. Scobie took a number of interior views of the hospital. The Review following its custom of using pictures to illustrate any new building of the city, purchased at Platt's Drug Store half a dozen of these postal cards from which electros were secured. Mr. Scobie's name appeared on each and the question arose as to whether it should be left or obliterated and the matter was settled by leaving the name on the ground that it would advertise his photos for him and increase their sale.

Photographer Seeks Damages.

With no idea of doing Mr. Scobie the least damage, the issue of the Review was sent out to the regular subscribers and by those. Hardly was the ink dry when Mr. Scobie appeared demanding damages for "violation" of copyright. Legal counsel advised that he could not possibly secure any damages on so flimsy a pretext. The Review had sold a baker's dozen of extra copies of the paper containing the hospital pictures and no possible damage could have resulted to Mr. Scobie thru the publication of the pictures.

Tried to Be Fair.

However, to be fair, the Review offered Mr. Scobie full compensation for his work, offered him reimbursement for all expenses incurred in securing the photographs and a cash value for each photograph besides. But Mr. Scobie was not satisfied. "A pound of flesh," and while the Review has been reluctant to yield up its hard earned shooks, it seemed that the law as construed by the highest court would hardly justify the Federal judge before whom the case was to be tried to decide in any way except for the plaintiff no matter how unjust he might find the operation of the law. The statute does not require proofs that plaintiff has suffered any damages, even to the extent of one penny but it does require the Court to assess damages in the sum of at least \$50. for each and every infringement of copyright. If it finds that the photograph in question comes within the purview of the copyright law.

Used Seven Pictures.

The Review and the Post had both made use of seven of Mr. Scobie's best postcards and Mr. Scobie demanded damages, claiming that under the law he could collect a maximum of \$2000.00. All this happened in the unlucky year of 1913. He threatened suit and finally did start suit after the Review refused more than \$100. on a compromise. The case was set for trial at the October term of the United States District Court held at Menasha the past week and would have been reached for trial early this week, if the defendant had not decided that it would in the end be cheaper to pay \$250 and come than to go to trial and accordingly settled the case on this basis, a check for \$250 going forward to Scobie yesterday. It is to be presumed he feels that he earned a good salary the day he took the pictures of the Lovette Hospital. The Review feels that it costs considerable to be public spirited and to help boost the town, but at that we would rather be at the paying end of the deal like this than at the receiving end and Mr. Scobie is welcome to the pound of flesh he exacted.

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Mon, Dec 29, 2014