

Case No. 4,872. FLINT ET AL. V. JONES.  
[1 Wkly. Notes Cas. 334.]

Circuit Court, E. D. Pennsylvania.

March, 1875.

COPYRIGHT—EDITION OF THE BIBLE—PRELIMINARY INJUNCTION.

[Complainant alleged that his edition of the Bible contained new and original chapter headings, marginal notes, and Greek readings; that it was copyrighted, and the proper notice published in each volume; and that defendant was infringing the copyright. Defendant filed affidavits

denying all the equities of the bill. *Held*, that there was nothing to identify the parts in which copyright was claimed, the notice being insufficient for that purpose; wherefore the injunction should be denied.]

[This was a bill in equity for the alleged infringement of a copyrighted edition of the Bible. Heard on motion for a preliminary injunction.]

The bill alleged: (1) That plaintiffs had printed or caused to be printed and published in the German language, and now owned, an edition of the Holy Bible, entitled "Die Illustrierte Familien-Bibel;" that said work contained a special table of contents, with headings of chapters and columns, and copious marginal notes, and Hebrew and Greek readings, collected, compiled, and translated expressly for said work, and formed a new and original compilation and arrangement which had never before appeared in print; that plaintiffs had copyrighted said work, which had always been published with the proper notice thereof prescribed by act of congress. (2) That defendant had also printed and published in German an edition of the Holy Bible of the same size (quarto) as plaintiff's edition, entitled "Neue Illustrierte Familien-Bibel," containing almost verbatim et literatim the table of contents, headings of chapters and columns, and marginal notes and Hebrew and Greek readings of plaintiffs' edition, and using almost exactly the same mode of arrangement and paging; that defendant's edition contained on the title page, substantially the same words as that of plaintiffs'. (3) That the table of contents of defendant's edition, pages 4-8, was the same in wording and arrangement as that of plaintiffs' pages 12-16; that the headings of columns, and headings of chapters, marginal notes and Hebrew and Greek readings of plaintiffs' edition, were copied literally in that of defendant's, with the exception of a few pages, even to the repetition of typographical errors.

The bill prayed (1) for an injunction restraining defendant from printing or publishing any of the copyrighted part of the plaintiffs' edition; (2) the destruction or delivery to plaintiffs of copies of defendant's edition still in his possession; (3) an account of the profits made on such copies as had been sold; (4) general relief.

Defendant averred by affidavits filed that defendant's title page was composed expressly for his edition; that it was the result of original labor, and not taken from that of plaintiffs, from which it greatly differed; that the text of defendant's edition had not been copied from that of plaintiffs' but prepared from electrotyped plates, and that the proof-sheets had been corrected and collated With other editions; that the table of contents, and headings of chapters and columns, and parallel references, marginal, and Hebrew and Greek readings used by plaintiffs were not made for his edition, but had been used the former in whole, the latter in greater part in other editions, printed long before that of plaintiffs'; that in certain specified chapters in the Book of Revelations, the Apocrypha, etc., the headings of chapters and columns of plaintiffs' edition had been taken literally from older editions.

E. L. Perkins, for plaintiffs.

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S. C. Perkins, contra.

THE COURT held that there was nothing to identify or distinguish the parts in which complainants claimed a copyright, the mere notice of copyright obtained in each book not being sufficient; and that, as defendant's affidavits denied the equities of the bill, an injunction could not be granted on a preliminary hearing. Injunction refused.