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Current Copyright Problems and the History of Law Reporting in the UK

The history of publishing legal decisions (law reporting) in the UK has been one of a privatised system since its inception, and that history has encompassed several hundred years. The privatised nature of this has meant that the product (the law report) has been viewed as the property of the publisher, rather than the property of the court or public, except in limited cases. In very part the rise of BAILII came about because of the copyrighted, privatised nature of this legal information and BAILII has both affected the nature of the product and been affected by the proprietary nature of that product.

In this paper, I will outline the problem of access to pre-2000 judgments in the UK and consider whether there are legal or other remedies which might enable BAILII to both develop a richer historic database and also work in harmony, rather than in competition, with legal publishers.