



# United Kingdom Copyright Decisions 2024

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**Abstract** This overview highlights the most significant UK copyright decisions in 2024. Several of these relate to the issue of copyright subject matter, and highlight the conflict between the UK’s “closed list” of subject matter categories and the broader European definition of “work”. Other cases raise issues relating to originality, copyright infringement, and the scope and application of certain exceptions and limitations. The report also discusses the latest decision on website blocking injunctions.

**Keywords** Blocking orders · Copyright · Exceptions and limitations · Infringement · Subject matter

**Legislation** Copyright, Designs and Patents Act 1988 (UK); European Information Society Directive 2001/29/EC; European Union (Withdrawal) Act 2018 (UK); European Union (Withdrawal Agreement) Act 2020 (UK); Retained EU Law (Revocation and Reform) Act 2023.

**Cases** *AGA Rangemaster Group Ltd v. UK Innovations Group Ltd* [2024] EWHC 1727 (IPEC); *Becker-Douglas v. Bonnier Books UK Group Holdings Ltd* [2024] EWHC 777 (Ch); *Cofemel – Sociedade de Vestuário SA v. G-Star Raw CV C-683/17*; *Columbia Pictures Industries Inc v. British Telecommunications plc* [2024] EWHC 1789 (Ch); *Crypto Patent Alliance v. Wright* [2024] EWHC 1198 (Ch); *Deckmyn v. Vandersteen C-201/13*; *Equisafety Ltd v. Woof Wear Ltd* [2024] EWHC 2478 (IPEC); *George Hensher Ltd v. Restawile Upholstery (Lancs) Ltd* [1976] AC 64; *Levola Hengelo BV v. Smilde Foods BV C-310/17*; *Lidl Great Britain Ltd v.*

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*Tesco Stores Ltd* [2023] EWHC 873 (Ch); *Lidl Great Britain Ltd v. Tesco Stores Ltd* [2023] EWHC 1517 (Ch); *Lidl Great Britain Ltd v. Tesco Stores Ltd* [2024] EWCA Civ 262; *Response Clothing Ltd v. Edinburgh Woollen Mill Ltd* [2020] EWHC 148 (IPEC); *Samherji HF v. Fridriksson* [2024] EWHC 2892 (Ch); *Sheeran v. Chokri* [2022] EWHC 827 (Ch); *SI v. Chedech/Get2Get* C-833/18; *Stichting Brein v. Wullems (t/a Filmspeler)* C-527/15; *Stichting Brein v. Ziggo BV* C-610/15; *TuneIn Inc v. Warner Music UK Ltd* [2019] EWHC 3374 (Ch); *TuneIn Inc v. Warner Music UK Ltd* [2021] EWCA Civ 441; *Waterrower (UK) Ltd v. Liking Ltd (t/a Topiom)* [2022] EWHC 2084 (IPEC); *Waterrower Ltd v. Liking Ltd (t/a Topiom)* [2024] EWHC 2806 (IPEC); *Wright v. BTC Core* [2023] EWHC 222 (Ch); *Wright v. BTC Core* [2023] EWCA Civ 868.

## 1 Judicial Decisions

This report highlights UK copyright decisions from the previous year that are likely to be of interest to comparative lawyers. Many of these address themes and issues that have preoccupied the UK courts over the last few years. These include, in particular, the issue of copyright subject matter, which remains a vexed issue due to the perceived mismatch between the UK's "closed list" of subject matter categories and the "open-ended" approach taken by the CJEU in its jurisprudence. Other cases covered by this report deal with issues of copyright infringement, originality, and the scope and application of certain exceptions in the Copyright, Designs and Patents Act 1988 ("CDPA"). The latter two categories of cases also provide insights into the national courts' continued engagement with EU copyright law.

The overview will begin with two decisions which highlight the challenges arising from the seemingly simple question of what constitutes a protected "work". For a work to be protected by copyright under the CDPA, it must fall within one of the eight categories of subject matter set out in the statute, namely: (i) literary works; (ii) dramatic works; (iii) musical works; (iv) artistic works; (v) films; (vi) sound recordings; (vii) broadcasts; and (viii) the typographical arrangement of published editions.<sup>1</sup> The list has traditionally been understood to be exhaustive in nature. In recent years, however, this has come increasingly into conflict with the CJEU's jurisprudence on the nature and scope of copyright subject matter. In *Levola Hengelo BV v. Smilde Foods BV*,<sup>2</sup> the CJEU defined a "work" as follows: first, the subject matter concerned must be original in the sense that it is the author's own intellectual creation; and second, only something which is the expression of the author's own intellectual creation may be classified as a "work". In *Cofemel – Sociedade de Vestuário SA v. G-Star Raw CV*,<sup>3</sup> the CJEU confirmed that, where a subject matter possesses these characteristics, it *must* qualify for copyright protection; any additional criteria are therefore inappropriate.

<sup>1</sup> CDPA, Sec. 1(1).

<sup>2</sup> C-310/17.

<sup>3</sup> C-683/17.

In recent years, a number of cases have highlighted the tension between the jurisprudence of the CJEU on copyright subject matter and the category of “works of artistic craftsmanship” – one of the subcategories of “artistic work” – under the CDPA’s closed list. Historically, the British courts have held that, for something to qualify as a work of artistic craftsmanship, it must have some degree of artistic quality or aesthetic appeal<sup>4</sup> – an approach clearly at odds with the jurisprudence of the CJEU. In the 2020 case of *Response Clothing Ltd v. The Edinburgh Woollen Mill Ltd*,<sup>5</sup> the Intellectual Property Enterprise Court (“IPEC”) was able to reconcile the two positions by adopting a broader interpretation – albeit one that still contained an element of aesthetic appeal – of “artistic craftsmanship” that was capable of accommodating the subject matter at issue, a jacquard fabric with a distinctive wave design. In 2022, a similar approach was taken in relation by the IPEC to a preliminary striking-out application in *Waterrower (UK) Ltd v. Liking Ltd (t/a Topiom)*.<sup>6</sup> This called for consideration of whether the claimant had a real prospect of successfully demonstrating at trial that its product, a water resistance rowing machine called the WaterRower, was a work of artistic craftsmanship. Mr David Stone (sitting as a Deputy High Court Judge), found in favour of the claimant, highlighting evidence which suggested that the designer had artistic intentions, that the WaterRower was acknowledged as having aesthetic appeal, and the strong likelihood of the claimant being able to demonstrate that the designer had room to exercise free and creative choices notwithstanding functional constraints. On this basis, he dismissed the striking-out application. In doing so, he noted that while there were apparent contradictions between the jurisprudence of the CJEU on one hand and the CDPA’s closed list of subject matter categories on the other, there was no need for him to resolve them at this preliminary stage.

The decision in *Equisafety Ltd v. Woof Wear Ltd*,<sup>7</sup> which was handed down by the IPEC in September of this year, seemed initially to suggest that the same conciliatory (or perhaps “reconciliatory”) approach was likely to persist in future. At issue in this case was whether copyright subsisted in three high visibility equestrian products: a waistcoat, an elasticated hat band, and a neck band for a horse. Mr Ian Karet (sitting as a Judge of the Chancery Division) held that none of these items was protected by copyright. He began by applying the CJEU definition of “work”, and held that the products were functional items whose design was dictated by their form, and accordingly were not the product of their author’s own intellectual creation as required by *Levola Hengelo* and *Cofemel*. He then went on to apply “the older UK law on artistic craftsmanship” (presumably a reference to *George Hensher Ltd v. Restawile Upholstery (Lancs) Ltd*,<sup>8</sup> though this is not clear) and concluded that the outcome would be the same under that approach, as the designer of the items did not appear to be either a craftsman or an artist.

<sup>4</sup> *George Hensher Ltd v. Restawile Upholstery (Lancs) Ltd* [1976] AC 64.

<sup>5</sup> [2020] EWHC 148 (IPEC). For a summary and discussion of this case, see Lee (2021), pp. 321–324.

<sup>6</sup> [2022] EWHC 2084 (IPEC). For commentary, see Lee (2023), pp. 402–403.

<sup>7</sup> [2024] EWHC 2478 (IPEC).

<sup>8</sup> [1976] AC 64.

When the *Waterrower* case proceeded to full trial, however, the IPEC was finally compelled to confront the contradiction head on. In doing so, Mr Campbell Forsyth (sitting as a Deputy High Court Judge) began by setting out the position as to the law to be followed, taking into account the European Union (Withdrawal) Act 2018, the European Union (Withdrawal Agreement) Act 2020, and the Retained EU Law (Revocation and Reform) Act 2023 (“REULA”). He also referred to a passage from the decision of the Court of Appeal in *Wright v. BTC Core*,<sup>9</sup> where Arnold LJ had explained that legislation which transposes an EU directive into domestic law prior to 31 December 2020 (the end of the Brexit transition period agreed in the UK-EU Withdrawal Agreement)<sup>10</sup> remains part of UK law unless and until it has been repealed or amended. He then took note of Sec. 22(5) of the REULA, which states that the provisions abolishing the principle of supremacy of EU law and the general principles of EU law “do not apply in relation to anything occurring before the end of 2023”. As the facts of this case had arisen prior to that date, the judge held that the principle of supremacy of EU law continued to apply to the matter and European directives should be interpreted according to the principles developed by the CJEU.

The judge then went on to set out, in some detail, the case law of the British courts on the definition and scope of works of artistic craftsmanship, followed by the jurisprudence of the CJEU on the definition of “work”. Having done so, he began by considering whether the WaterRower machine was original in the sense of being its author’s own intellectual creation. He concluded that it did, holding that despite the presence of functional constraints in the design process, they still left room for the designer to express his personality through free and creative choices relating to the layout of the decks, the width of the rails, the materials used and the shape and finish of these materials.

Next, the judge went on to consider whether the Waterrower machine was a work of artistic craftsmanship within the meaning of the CDPA. He came to the conclusion that it was not. While the judge accepted that the designer could be considered a craftsman, and the WaterRower machine had aesthetic appeal, it nevertheless did not qualify as a work of *artistic* craftsmanship as it was not the product of a mind with a desire “to produce something of beauty which would have an artistic justification for its own existence”, as required in *Hensher*. Instead, the WaterRower had been created as a result of its designer’s commercial motivations. On this basis, he held that no copyright subsisted in the WaterRower.

This decision has left the law on artistic craftsmanship in state of uncertainty. There are a few limited routes to resolving this. If the decision were to be appealed from the IPEC to the Court of Appeal, the Court of Appeal might decide to depart from the broader CJEU jurisprudence on copyright subject matter, thus potentially returning the category of artistic craftsmanship to its traditional confines. Alternatively, if the decision were to be further appealed to the Supreme Court, the Supreme Court might see fit to overrule *Hensher* and adopt a broader approach to defining artistic craftsmanship, bringing it in line with the jurisprudence of the

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<sup>9</sup> [2023] EWCA Civ 868.

<sup>10</sup> See the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community 2019, Art. 126.

CJEU. It is also possible, however, that an appeal might result in the IPEC's decision being overturned on much narrower grounds, which would have the effect of prolonging the uncertainty. In particular, an appellate court might once again take the “conciliatory” approach in *Response Clothing*, and adopt a definition of “artistic craftsmanship” which de-emphasises the element of commercial motivation but is still linked to British courts' traditional interpretation of the term.

*Lidl Great Britain Ltd v. Tesco Stores Ltd*<sup>11</sup> was a decision on appeal from the High Court.<sup>12</sup> The claimant (Lidl) and the defendant (Tesco) were both well-known supermarket chains in the UK. Lidl contended that Tesco had infringed the copyright in its logo, which consisted of a blue square background bearing a yellow circle and bordered with a thin red line, with the name “Lidl” superimposed in a stylised font in the yellow circle. Tesco was said to have infringed the copyright in Lidl's logo by using a sign consisting of a blue square background and yellow circle in order to promote its discounted “Clubcard Prices” throughout its stores nationwide. At first instance before the High Court, Joanna Smith J had held that copyright subsisted in the logo, as it demonstrated sufficient originality notwithstanding its simplicity. She had also held that the blue background with the yellow circle formed a substantial part of the logo; accordingly, Tesco was found liable for copyright infringement.

On appeal to the Court of Appeal, Arnold LJ (with whom Lewison and Birss LJ agreed), took the view that Joanna Smith J had taken the correct approach in assessing originality, and that she had reached a valid conclusion on that basis. He disagreed, however, with Joanna Smith J's conclusion on infringement. Arnold LJ stated that, although the logo was sufficiently original to attract copyright protection, the scope of protection was narrow, meaning that only an exact or near-exact copy would amount to the taking of a substantial part. As Tesco had not copied at least two of the elements which made the logo original – namely the shade of blue and the distance between the circle and the square – it was held that Tesco had not infringed the copyright in Lidl's logo.<sup>13</sup>

In *Becker-Douglas v. Bonnier Books UK Group Holdings Ltd*,<sup>14</sup> the High Court had occasion to apply and thereby reinforce the principles on what amounts to a “causal connection” for copyright infringement purposes as developed in the high-profile case of *Sheeran v. Chokri*.<sup>15</sup> The claimant in this case, Joyce-Carole Becker-Douglas, was among other things an author and illustrator. She had created a series of works for children relating to a character called Jimmy Whiz, including an animated video, an unpublished novel, a screenplay, and the “Bible” (i.e. a comprehensive reference document) for a proposed *Jimmy Whiz* television series. It was her contention that her copyright in these works had been infringed by the defendants' creation and publication of a series of books for children called the

<sup>11</sup> [2024] EWCA Civ 262.

<sup>12</sup> Lidl also brought claims against Tesco for trade mark infringement and passing off.

<sup>13</sup> See Lee (2024), p. 430 (suggesting, in the context of the High Court decision, that this would be the preferable approach).

<sup>14</sup> 2024] EWHC 777 (Ch).

<sup>15</sup> [2022] EWHC 827 (Ch). For commentary, see Lee (2022), pp. 409–411.

*Flying Fergus* series. Both the *Jimmy Whiz* works and *Flying Fergus* series revolved around a boy and his special flying bicycle. The defendants applied for summary judgment against the claimant on the ground that her case had no real prospect of success at trial.

For infringement to be made out, it must be shown that there is a “causal connection” between the defendant’s work and the claimant’s work. It was therefore incumbent on the claimant to show that the defendants had access to her work which enabled them to copy it. Part of the claimant’s case was that, during the 2010s, she had submitted certain *Jimmy Whiz* materials to companies where, at the time, some of the defendants were working. However, she was not able say for certain which materials they had received, how they had got them, what they had retained, and who had copied what. On this basis, HHJ Cadwallader (sitting as a Judge of the High Court) held that this aspect of the claimant’s case was purely speculative and highly implausible, especially given that there was cogent evidence from the defendants that the *Flying Fergus* series had been created independently. The claimant also relied on certain supposed similarities between the *Jimmy Whiz* works and the *Flying Fergus* books. Again, however, the judge found that these were insufficient to find an inference of access and copying. Some of the similarities only existed at a very high level of generality (e.g. the only resemblance between the two main characters was the fact that they were boys), while others were motifs frequently found in children’s entertainment (e.g. “flying bicycles, parallel worlds, idealised medieval settings, bighearted young protagonists from a deprived background, and endearingly eccentric and technically-minded adults”). The textual similarities identified by the claimant were found by the judge to be no more than commonplaces of the kind that would be difficult to avoid when creating children’s entertainment in the same genre. On this basis, the defendants’ application for summary judgment was granted.

The overlap between copyright and design protection formed part of the High Court’s focus in *AGA Rangemaster Group Ltd v. UK Innovations Group Ltd*.<sup>16</sup> The claimant was the manufacturer of AGA range cookers, an established line of cookers that are well-known in the UK. It objected to the defendants’ sale of retrofitted AGA cookers that had been fitted with a device called the “eControl System”, which converted the cookers from running on traditional fossil fuels to running on electricity. While much of the claimant’s case was based on trade mark infringement, it also claimed that the controls fitted by the defendants to the retrofitted cookers infringed the copyright in its design drawing for the control panel of its own electric AGA cookers.

Nicholas Caddick KC (sitting as a Deputy High Court Judge) first considered whether the claimant’s design drawing was protected by copyright as an original artistic work. He began by stating that, as the drawing had been created in 2013, the relevant test of originality was that of whether it was the author’s own intellectual creation, and that the onus of proof of originality was on the claimant. He further explained that, in the context of a design for a product, copyright could subsist where an author has expressed their creative ability by making free and creative

<sup>16</sup> [2024] EWHC 1727 (IPEC).

choices in relation to the design of that product, even though the design was dictated in part by the need to obtain a technical result, referring to the CJEU decision in *SI v. Chedech/Get2Get*<sup>17</sup> (the “*Brompton Bicycle*” case). Having heard evidence from the claimant’s senior product design and development engineer, the judge held that the design drawing was original, as the engineer had made various creative and aesthetic choices driven by his wish to create a design that captured the historic look of traditional AGA cookers (e.g. rotational dials rather than push buttons; an elongated oval line around the dials; and a further line running first horizontally, then vertically, away from the dial and up to a thermodial on the upper right hand side of the panel). While the engineer had accepted that the design was influenced by the function which the panel was intended to perform (i.e. to control the operation of the cooker), the judge found on the facts that it had not been *dictated* by the function, as there were numerous designs that could have performed the same function.

Having found that the defendants had infringed the claimant’s copyright in the design drawing by copying a substantial part of it in their eCooker control panel, the judge then went on to consider whether the defendants were able to rely on the defence set out in Sec. 51 of the CDPA. The relevant provision states that:

It is not an infringement of any copyright in a design document or model recording or embodying a design for anything other than an artistic work or a typeface to make an article to the design or to copy an article made to the design.<sup>18</sup>

The challenge presented by this issue was how the defence in Sec. 51 could be reconciled with the judgment of the CJEU in *Cofemel* and the EU copyright regime in general. In *Cofemel*, the CJEU had held in essence that an industrial design is not precluded from being protected by copyright as a work, provided that it satisfies the qualitative requirements for copyright protection, in particular that of originality. This leaves open the possibility that at least some designs would also be protected by copyright as artistic works. Article 2 of the Information Society Directive, meanwhile, harmonises the reproduction right in copyright-protected works, while Art. 5 contains an exhaustive list of permissible exceptions to that right, none of which corresponds to the defence in Sec. 51. This raises questions as to the validity of Sec. 51, given its apparent incompatibility with the Information Society Directive. As the defendants’ allegedly infringing acts took place in between 2021 and 2022, before the coming into force of the REULA which abolishes the principle of supremacy of EU law, these questions remained relevant. In *AGA Rangemaster*, the judge felt unable to reach a final conclusion as to the impact of *Cofemel* on Sec. 51, especially given the lack of submissions on the issue from the parties. Ultimately, he simply applied Sec. 51 on the basis of its own wording. Finding that the control panel itself was not an artistic work within the meaning of the CDPA (although the design drawing was), he held that the defendants’ activities were permitted under Sec. 51.

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<sup>17</sup> C-833/18.

<sup>18</sup> CDPA, Sec. 51(1).



A range of fair dealing defences, meanwhile, was discussed in *Samherji HF v. Fridriksson*.<sup>19</sup> The claimant, Samherji, was one of the largest companies in the Icelandic fishing and fish processing industry. The defendant, Fridriksson, was known in Iceland as a performance and conceptual artist. Fridriksson registered the domain name samherji.co.uk and set up a website which purported to be Samherji's official UK website. Through the website, he distributed a press release, purportedly from Samherji, apologising for its involvement in the so-called "Fishrot scandal", which related to alleged corruption and bribery in the trading activities of Samherji's former subsidiaries in Namibia. While much of the case was argued on the basis of passing off, the claimant had also brought a claim of copyright infringement in relation to the defendant's use of its logo and brochure on his website.<sup>20</sup> The defendant relied on the defences of fair dealing for the purposes of criticism or review, quotation, and caricature, parody or pastiche, as set out in Sec. 30 of the CDPA.

At the High Court, Master Teverson dismissed the defences of fair dealing for the purpose of criticism or review or quotation and fair dealing for the purpose of caricature, parody or pastiche. In relation to the former, he noted that the defendant's use of the logo and brochure on his website were intended to give the website authenticity, rather than as a form of criticism or review or quotation. He also noted that, under Sec. 30, the criticism required is criticism "of that [work] or another work or a performance of a work", which was quite different from the defendant's criticism of the claimant's conduct in the Fishrot scandal. In relation to the latter, he pointed out that use of the logo and brochure on the website was intended to make it appear to be the claimant's official website. This ran counter to the definition of "parody", which requires the defendant to evoke an existing work while making it noticeably different from the original.<sup>21</sup>

While the defendant did not rely specifically on defence of fair dealing for the purpose of reporting current events under Sec. 30(2), this was also discussed by the judge. He acknowledged that the Fishrot scandal was a current event in the sense that it was still under discussion and investigation, and he accepted that part of the defendant's motive was to draw attention to the claimant's involvement in the scandal. However, he held that the tactics used by the defendant to draw public attention to the scandal could not be considered a fair dealing, as the defendant had put out a false and completely misleading press release containing admissions that the claimant had never made. The defence of fair dealing for the purpose of reporting current events was also held to have failed by reason of a lack of a sufficient acknowledgement identifying the title and author of the relevant works, as required by Sec. 30(2).

Master Teveson then went on to consider whether the defendant's conduct might nevertheless be permitted under the general public interest defence accommodated under Sec. 171(3) of the CPDA (which states that "[n]othing in this Part affects any

<sup>19</sup> [2024] EWHC 2892 (Ch).

<sup>20</sup> In addition to the intellectual property claims, the Samherji also brought a claim on the basis of malicious falsehood.

<sup>21</sup> *Deckmyn v. Vandersteen* C-201/13.



rule of law preventing or restricting the enforcement of copyright, on grounds of public interest or otherwise”), and which takes into account considerations relating to freedom of expression under Art. 10 of the European Convention on Human Rights. He held that this defence could not apply either, as the defendant had put false statements into the mouth of the claimant and distributed a fake press release which contained false admissions of a very serious nature. This hoax, the judge considered, was against the ethics of journalism.

The final substantive decision that will be discussed in this report is *Columbia Pictures Industries Inc v. British Telecommunications plc*,<sup>22</sup> which involved an application to the High Court under Sec. 97A of the CDPA for a website blocking injunction directing the six major retail internet service providers (“ISPs”) to block their subscribers’ access to two IPTV services that offered users access to unauthorised streams of films and television programmes. These services did not host infringing content themselves, but aggregated and provided links to unauthorised third-party servers hosting such content. In granting the order sought, Bacon J applied the jurisprudence of the CJEU in relation to the scope and definition of the right to communicate the work to the public under the Information Society Directive, as set out in the cases of *Stichting Brein v. Wullems (t/a Filmspeler)*<sup>23</sup> and *Stichting Brein v. Ziggo BV*.<sup>24</sup> These had been previously approved by the Court of Appeal in *TuneIn Inc v. Warner Music UK Ltd*.<sup>25</sup> As the IPTV services in this case made use of mechanisms that operated similarly to those used by the defendants in *Filmspeler*, *Ziggo* and *TuneIn* – respectively, a multimedia player with hyperlinks to websites on which infringing content could be accessed; the online peer-to-peer file-sharing platform Pirate Bay; and an app and a website containing links to infringing content – their operators were held to have infringed the rightholders’ right of communication to the public. Also of note is that Sky UK Ltd was both an applicant (in its capacity as a television content provider) and a respondent (in its capacity as an ISP) in this matter.

Finally, mention should be made of the latest developments in the action brought by Craig Steven Wright, who claimed to be the inventor of the Bitcoin System, against various defendants for, inter alia, copyright infringement of the Bitcoin File Format. The claimant had previously made a preliminary application to serve the claim on defendants who were located outside the jurisdiction of England and Wales. The application had initially been dismissed by the High Court, on the ground that the claimant had no real prospect of establishing that copyright subsisted in the Bitcoin File Format.<sup>26</sup> This was subsequently reversed by the Court of Appeal, who held that the claimant *did* have a real prospect of doing so.<sup>27</sup> Following a trial in March 2024, however, the High Court found that Wright was

<sup>22</sup> [2024] EWHC 1789 (Ch).

<sup>23</sup> C-527/15.

<sup>24</sup> C-610/15.

<sup>25</sup> [2021] EWCA Civ 441. For commentary, see Lee (2022), pp. 398–400.

<sup>26</sup> *Wright v. BTC Core* [2023] EWHC 222 (Ch).

<sup>27</sup> *Wright v. BTC Core* [2023] EWCA Civ 868. For commentary, see Lee (2024), pp. 425–428.

not the inventor of the Bitcoin System.<sup>28</sup> The question of whether the Bitcoin File Format – and, by extension, file formats in general – is capable of being protected by copyright will therefore not be proceeding to trial, at least on this occasion.

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## References

- Lee YH (2021) United Kingdom copyright decisions and post-Brexit copyright developments 2020. IIC 52(3):319–328. <https://doi.org/10.1007/s40319-021-01035-z>
- Lee YH (2022) United Kingdom copyright decisions 2021. IIC 53(3):396–405. <https://doi.org/10.1007/s40319-022-01162-1>
- Lee YH (2023) United Kingdom copyright decisions 2022. IIC 54(3):399–411. <https://doi.org/10.1007/s40319-023-01297-9>
- Lee YH (2024) United Kingdom copyright decisions and legislative developments 2023. IIC 55(3):422–440. <https://doi.org/10.1007/s40319-024-01433-z>

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<sup>28</sup> *Crypto Patent Alliance v. Wright* [2024] EWHC 1198 (Ch).