

Brown wins Da Vinci Code case

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Fri 7 Apr 2006 16.28 BST

A high court judge today rejected claims that Dan Brown's bestselling novel *The Da Vinci Code* breached the copyright of an earlier book.

Michael Baigent and Richard Leigh had sued publishers Random House claiming that Mr Brown's book "appropriated the architecture" of their book, *The Holy Blood And The Holy Grail*, which was published in 1982 by the same publishing house.

The claimants said Mr Brown - whose book has made him the highest-paid author in history - had "hijacked" and "exploited" their book, which took them five years to create.

But in his ruling this afternoon at the high court in London following a three-week trial, Mr Justice Peter Smith said the claim for copyright infringement had "failed and is dismissed".

The claimants were ordered to pay 85% of Random House's legal costs, which are estimated at nearly £1.3m, with an interim payment of £350,000 to be made by May 5.

The judge said that a comparison of the language in *The Holy Blood And The Holy Grail* and *The Da Vinci Code* did show some limited copying of the text.

"However this is not alleged to be a copyright infringement ... so does not assist the claimants. Such copying cannot amount to substantial copying of the text of *The Holy Blood And The Holy Grail* and the claimants have never said it does," Mr Justice Smith said.

If successful, the copyright case could have had huge ramifications for the publishing industry. Random House said the ruling "ensures that novelists remain free to draw in ideas and historical research".

The reclusive millionaire author from the US, who drew crowds of fans to the court when he gave evidence for three days last month, said he was "pleased" with the ruling personally and also "as a novelist".

The writer, who was not in court today, said in a statement: "Today's verdict shows that this claim was utterly without merit. I'm still astonished that these two authors chose to file their suit at all."

While giving evidence, Mr Brown had told the court that the claims were "completely fanciful". He had read Mr Baigent and Mr Leigh's book - which they wrote with a third author who was not involved in the legal action - but he insisted it was just one of many he had used as part of his research with the help of his wife, Blythe.

The Holy Blood And The Holy Grail, which was a smaller bestseller, sets out a theory that Jesus and Mary Magdalene married and had a child. It claims the bloodline continues to this day, with a secret society protecting their heirs against conspiracies enacted by the Catholic church. It is similar to the theme explored in Mr Brown's novel, which has sold more than 40m copies worldwide since its publication in 2003.

In his ruling, the judge said the claimants' version of their book's central themes had been designed retrospectively to help their case. There was no "architecture" or "structure" to be found in *The Holy Blood And The Holy Grail* as contended by Mr Baigent and Mr Leigh.

"Even if the central themes were copied, they are too general or of too low a level of abstraction to be capable of protection by copyright law," the judge said.

"Accordingly there is no copyright infringement either by textual copying or non textual copying of a substantial part of *The Holy Blood And The Holy Grail* by means of copying the central themes."

In his statement, Mr Brown said a "novelist must be free to draw appropriately from historical works without fear that he'll be

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Sales of both books rose during the trial, which has spawned headlines around the world. A film version of the novel is due to be released on May 19, starring Tom Hanks and Audrey Tautou.

Referring to the film, the judge said there had been cynical suggestions that the trial was a publicity campaign for the movie with all of the authors acting in cahoots.

He said: "If it was such a collaborative exercise, Mr Baigent and Mr Brown both went through an extensive ordeal in cross examination which they are likely to remember for some time."

There was also exciting news for Mr Brown's British fans: he plans to return to the UK, and said he can now fully focus on his next book.

"I found the high court building to be a magnificent example of neo-Gothic architecture; I look forward to returning soon to view it from a vantage point other than the witness stand," Mr Brown said. "After devoting so much time and energy to this case, I'm eager to get back to writing my new novel."

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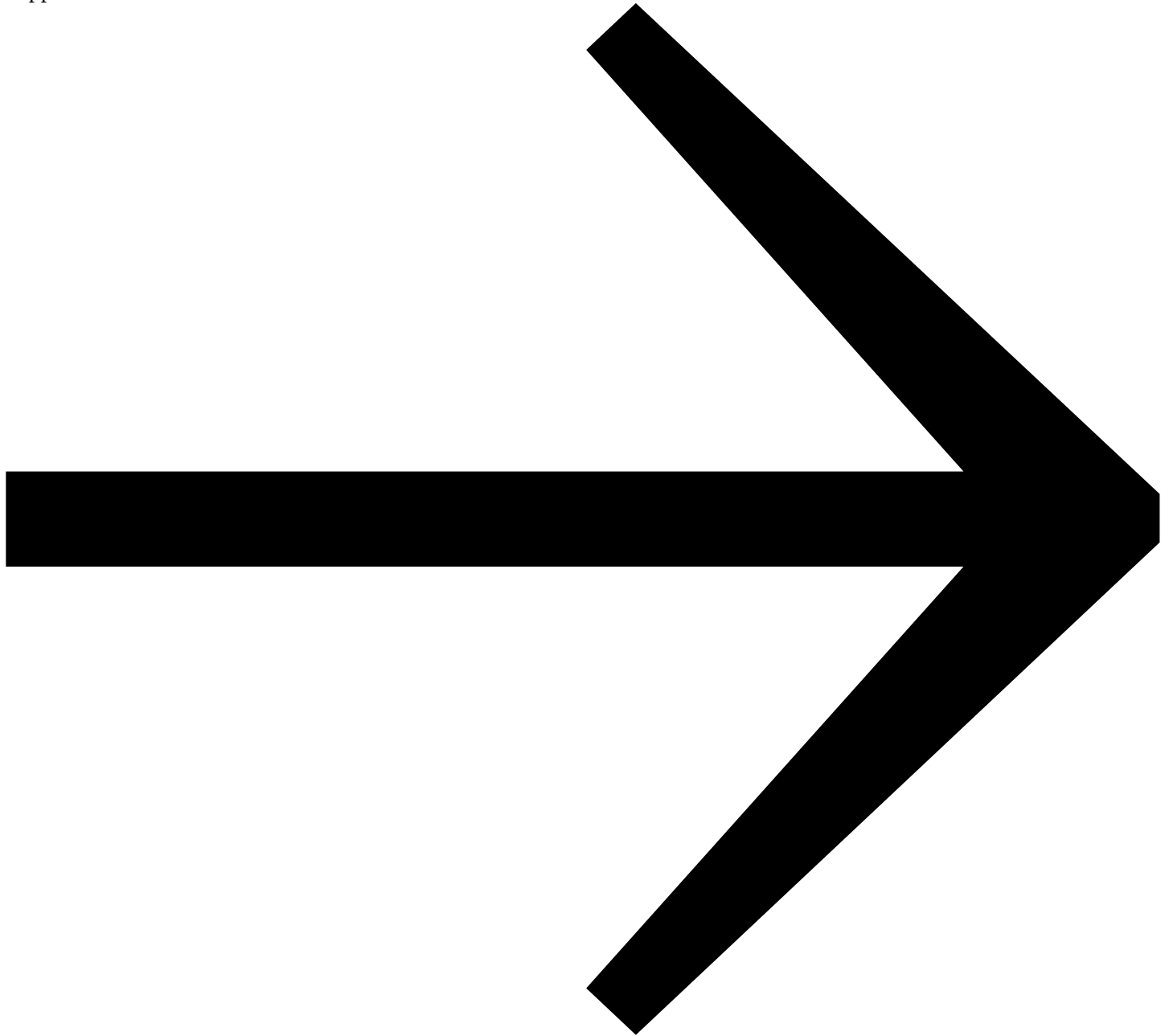
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