

Meghan, Duchess of Sussex wins remaining copyright claim

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The Duchess of Sussex has won her remaining copyright claim against the *Mail on Sunday's* Associated Newspapers Limited (ANL), relating to a published letter for her father prior her wedding to Prince Harry, Duke of Sussex in 2018.

During a remote England & Wales High Court hearing this week, Lord Justice Warby ruled that Meghan, and not the Crown, owns the copyright to the letter she sent to her father Thomas Markle ahead of her May 2018 wedding.

ANL previously said it believed Jason Knauf – formerly communications secretary to the Duke and Duchess of Sussex – was a co-author of the letter, which it argued meant the letter belonged to the Crown.

But the High Court heard on Wednesday (5 May) that Knauf has “emphatically” denied being a co-author and that lawyers representing “the Keeper of the Privy Purse, acting on behalf of Her Majesty the Queen” told Meghan’s solicitors they “did not consider the Crown to be the copyright owner”.

Subsequently, Warby granted summary judgment in relation to the remaining parts of the duchess’ copyright claim, after lawyers acting on behalf of the Queen said it does not belong to the Crown.

Lewis Silkin’s Neil Parkes explained, “The first owner of a copyright work is the author, unless the author is an employee and created the work in the course of their employment, in which case the employer is the first owner. In some cases the work may be one of joint authorship, or it may have several authors.

“Works of joint authorship are owned jointly by the authors or their employees but sometimes where multiple authors are involved, their work may be separate and divisible such that they each own distinct copyrights. In this case, the newspaper suggested that Knauf may have been sufficiently involved in the writing of the letter to be an author and that since he did so in the course of his employment, the Crown may be a joint owner or an owner of a separate copyright in part of the letter.”

Parkes commented, “The issue of authorship and ownership has now been resolved after Knauf made a statement confirming that he played no part in the drafting of the letter meaning that the Duchess could request that the court enter judgment without a trial taking place.

“As the judge noted previously, this was a minor outstanding point in the overall context and it seems it was fairly easy for the Duchess’ legal team to deal with so it is not surprising that it was capable of being resolved without the need for a trial on the issue.”

Privacy group Hacked Off’s board director Emma Jones said the “judgment completes Meghan Markle’s victory against the *Mail on Sunday*, after the newspaper unlawfully published a private and deeply personal letter between Meghan and her father.”



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