

# Kluwer Copyright Blog

## Pass the Dutchie. A case against Musical Youth's former solicitors

Maurizio Borghi · Thursday, April 12th, 2012



**UK: High Court Chancery Division, 23 March 2012, Seaton v Seddon.**

The members of the reggae band Musical Youth brought a case against their former solicitors with regards to the royalties due from a hit single: “Pass the Dutchie”. This song was an arrangement of another piece of music, entitled “Pass the Kouchie”. The claim in the present case arose out of an 1984 agreement dividing royalties between the owners of the copyright in the original and the derivative work.

The defendants, who were at the time the claimants’ solicitors, had acted for the owners of the copyright in the original work in the making of that agreement without telling their clients about it. The claimants argued that their single was sufficiently original to attract distinct copyright protection. The Court examined the extent to which an allegation of fraud had to be particularised vis-a-vis the Civil Procedure Rules 1998 and what was applicable test in cases where the Limitation Act 1980 was engaged on grounds of mental incapacity. It held that the test for distinct copyright in a musical arrangement was a matter of fact and degree and moved on to rule that the mere fact that the defendant was a solicitor specialising on the music industry was not a realistic basis for a finding of dishonesty.

For the full text of the judgment, click [here](#).

A full summary by Stavroula Karapapa & Maurizio Borghi, [Brunel University](#) will be added to the Kluwer IP Cases Database ( [www.KluwerIPCases.com](http://www.KluwerIPCases.com)).

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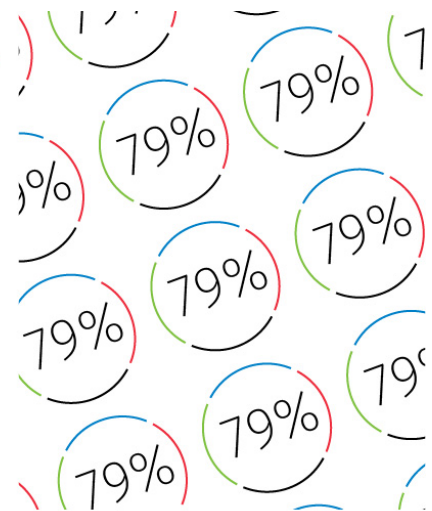
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