

Abstract

**A Study on the Principle of ‘fair and *bona fide* abridgment’
in the 18th Century**

Shin, Dong-Ryong

The purpose of this article is to find out the historical background of the doctrine of fair use in U.S. copyright law and the fair dealing principle in U.K. copyright law. In fact, the doctrine of fair use originated from the principle of ‘fair and *bona fide* abridgment’, which had been shaped since *Gyles v. Wilcox* (1741) in U.K. This principle is the first case law on the ‘use’ of copyrighted work. This paper examined ① the characters of the book market in early 18th century ② *Austin v Cave* (1739) and the case report of Samuel Johnson ③ *Gyles v Wilcox* (1741), *Dodsley v Kinnersley* (1761) and *Strahan v Newbery* (1774), ④ what was the ‘*bona fide*’, the ‘real’, and the ‘true’ as a subjective requirement for a lawful abridgment and what was the ‘fair’ and the ‘proper’ as an objective requirement ⑤ the characters of abridgment as a “new work” and ⑥ the meaning of user’s privilege in abridging an original work.

Keywords

fair and *bona fide* abridgment, fair use, Statute of Anne, copyright law, *Austin v Cave*, *Gyles v Wilcox*, *Dodsley v Kinnersley*, *Strahan v Newbery*, new work theory, privilege, Samuel Johnson.