

Craig Murray
Flat 1
31 Sinclair Gardens
London
W14 0AU

By courier and by email

7 July 2006

Dear Mr Murray

INFRINGEMENT OF CROWN COPYRIGHT

The Treasury Solicitor acts for the Foreign Secretary in this matter. This letter should be treated as a letter before claim in accordance with the Civil Procedure Rules 1998.

It has come to our attention that, on 4 July 2006, you placed 15 documents on your website (www.craigmurray.co.uk) which you describe as "*supporting documents*" relating to your book 'Murder in Samarkand'. We have reviewed the documents and it is clear that in each case (save for document 12 and the majority of document 13) the copyright in the documents subsists with the Crown. I refer you to section 163(1) of the Copyright, Designs and Patents Act 1988 which states:

- "163(1) Where a work is made by Her Majesty or by an officer or servant of the Crown in the course of his duties –*
- (a) the work qualifies for copyright protection notwithstanding section 153(1) (ordinary requirement as to qualification for copyright protection), and*
 - (b) Her Majesty is the first owner of any copyright in the work".*

We take the position that all of the documents (save for 12 and the majority of 13) were produced by an officer or servant of the Crown in the course of their duties. As you do not have permission or a licence to reproduce the documents we consider that Crown copyright has been infringed. In particular, you should note that the statement on your website that "*Net posting is not breaching copyright because there is no charge to access the documents*" is wrong as a matter of law. Whether or not a charge is made is wholly irrelevant to the issue of copyright infringement. Further, even if a document is released under the Data Protection Act or Freedom of Information Act that does not entitle you to make further reproductions of that document by, for example, putting them on your website or making further copies to be provided to third parties. The copyright remains enforceable.

As you are infringing Crown copyright, you are required to remove the documents from your website immediately and to provide an undertaking that you will not further infringe Crown

copyright by reproducing these documents, or any other document or documents in which Crown copyright subsists and which relate to Foreign and Commonwealth Office matters, without permission or licence. If you do not do this by 4pm on Monday 10 July 2006 my client will issue a claim in the High Court for an injunction requiring you to remove the documents. The claim will be issued without further notice to you. An application for an interim injunction will also be made.

If my client is forced by your actions to issue proceedings, she will seek to recover from you the legal costs incurred as a result. Such costs are likely to be substantial. You are strongly advised to seek legal advice.

We are copying this letter to your publishers Mainstream Publishing. We consider this to be necessary as you state on your website that 'Murder in Samarkand' will be an "*interactive book*" containing URL links to the Crown documents. In the circumstances we consider that your publishers should be aware of my client's proposed course of action in view of your infringement of the Crown's rights.

I look forward to receiving your response.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gareth Buttrill', written in a cursive style.

Gareth Buttrill
For the Treasury Solicitor

Cc. Mainstream Publishing