

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

JOURNAL PUBLISHING COMPANY, INC.	:	CIVIL ACTION NO.
	:	
Plaintiff,	:	
	:	
V.	:	
	:	
THE HARTFORD COURANT COMPANY	:	FEBRUARY 4, 2011
	:	
Defendant.	:	

COMPLAINT

GENERAL ALLEGATIONS

1. The plaintiff, Journal Publishing Co. Inc., d/b/a the Journal Inquirer (hereinafter referred to as "JI"), is a Connecticut corporation that has published a daily newspaper in Connecticut since 1968.

2. The defendant, The Hartford Courant Company ("Courant"), is a Connecticut corporation with its principal place of business in Hartford, Connecticut.

3. This action involves violations of copyright law, 17 U.S.C. § 101(a) *et seq.*, and state law claims arising from wrongful conduct that extends beyond the reproduction and distribution of copyrighted works.

4. This action has jurisdiction over the federal law claims under 28 U.S.C. § 1338 and 28 U.S.C. § 1331.

5. This Court has pendant jurisdiction of the non-copyright Counts Eleven through Thirteen, pursuant to 28 U.S.C. § 1367.

6. The JI regularly publishes articles about local news and issues involving 17 towns north and east of Hartford. The JI employs news reporters to cover such local news and devotes considerable resources to such local news coverage.

7. The defendant is a competing newspaper, much larger in circulation and scope, and is wholly owned by one of the largest news organizations in the country, Tribune Co.

8. Recently the defendant plagiarized local news stories published by the plaintiff, and misattributed those stories as the defendant's own work and that of its reporters. Stories that were plagiarized are attached hereto as Exhibit A, incorporated herein. This list may not be complete but evidences the abuse.

9. The defendant at first defended its misappropriation of plaintiff's work but then admitted wrongdoing in an open letter from its publisher, although the letter failed to draw to readers' attention the full extent of the improprieties committed by the defendant.

10. Defendant's misappropriation and plagiarizing of plaintiff's work

is part of a pattern of improper competition exhibited by the defendant.

11. The conduct aforesaid by the defendant constitutes violations of 17 U.S.C. § 101 *et seq.* of the United States Code. Each article in Exhibit A has been registered with the Copyright Office and the copyright infringement as to each article constitutes a separate act of wrongdoing in violation of the copyright laws of the United States, which acts were committed willfully by the defendant, for which the plaintiff claims damages pursuant to 17 U.S.C. § 504(c)(2) and attorney's fees pursuant to 17 U.S.C. § 505.

12. In the event that the Court determines that such copyright infringements were not committed willfully, then the plaintiff seeks damages pursuant to 17 U.S.C. § 504(c)(1) and attorney's fees pursuant to 17 U.S.C. § 505.

FIRST COUNT

13. The plaintiff hereby incorporates by reference paragraphs 1 through 12 of the General Allegations as if fully set forth herein.

14. The plaintiff JI ran an article entitled "Bolton Lakes sewer project denied funding for next phase of work" on July 31, 2009, which article was copied in whole or in part in an article printed by the defendant Courant on August 4, 2009, entitled "Sewer Project Funding pulled by USDA." The plaintiff

holds a certificate of registration from the Copyright Office, Registration Number TX 7-149-402.

SECOND COUNT

15. The plaintiff hereby incorporates by reference paragraphs 1 through 12 of the General Allegations as if fully set forth herein.

16. The plaintiff JI ran an article entitled “New party gets place on East Hartford ballot” on July 31, 2009, which article was copied in whole or in part in an article printed by the defendant Courant on August 4, 2009, entitled “GOP candidates Form Tea Party Committee.” The plaintiff holds a certificate of registration from the Copyright Office, Registration Number TX 7-149-410.

THIRD COUNT

17. The plaintiff hereby incorporates by reference paragraphs 1 through 12 of the General Allegations as if fully set forth herein.

18. The plaintiff JI ran an article entitled “Construction of regional emergency center nears” on August 1-2, 2009, which article was copied in whole or in part in an article printed by the defendant Courant on August 6, 2009, entitled “Emergency Center Gets Grant for Equipment.” The plaintiff holds a certificate of registration from the Copyright Office, Registration Number TX 7-150-947.

FOURTH COUNT

19. The plaintiff hereby incorporates by reference paragraphs 1 through 12 of the General Allegations as if fully set forth herein.

20. The plaintiff JI ran an article entitled "Greenway trail plan gets green light from East Windsor selectmen" on August 5, 2009, which article was copied in whole or in part in an article printed by the defendant Courant on August 7, 2009, entitled "Grant Would Fix Bridge, Help Fund Greenway." The plaintiff holds a certificate of registration from the Copyright Office, Registration Number TX 7-149-431.

FIFTH COUNT

21. The plaintiff hereby incorporates by reference paragraphs 1 through 12 of the General Allegations as if fully set forth herein.

22. The plaintiff JI ran an article entitled "Interim principal named in Hebron" on August 5, 2009, which article was copied in whole or in part in an article printed by the defendant Courant on August 7, 2009, entitled "Hebron Hires Principal." The plaintiff holds a certificate of registration from the Copyright Office, Registration Number TX 7-149-437.

SIXTH COUNT

23. The plaintiff hereby incorporates by reference paragraphs 1

through 12 of the General Allegations as if fully set forth herein.

24. The plaintiff JI ran an article entitled "Selectmen raise building, zoning fees" on August 12, 2009, which article was copied in whole or in part in an article printed by the defendant Courant on August 13, 2009, entitled "Board Changes Fees." The plaintiff holds a certificate of registration from the Copyright Office, Registration Number TX 7-149-765.

SEVENTH COUNT

25. The plaintiff hereby incorporates by reference paragraphs 1 through 12 of the General Allegations as if fully set forth herein.

26. The plaintiff JI ran an article entitled "PZC extends permit for one year to allow completion of condo project" on August 12, 2009, which article was copied in whole or in part in an article printed by the defendant Courant on August 18, 2009, entitled "Coleman Farms Condos Get Permit Extensions." The plaintiff holds a certificate of registration from the Copyright Office, Registration Number TX 7-149-768.

EIGHTH COUNT

27. The plaintiff hereby incorporates by reference paragraphs 1 through 12 of the General Allegations as if fully set forth herein.

28. The plaintiff JI ran an article entitled "Board of Education happy

with superintendent” on August 17, 2009, which article was copied in whole or in part in an article printed by the defendant Courant on August 21, 2009, entitled “Board Extends Contract.” The plaintiff holds a certificate of registration from the Copyright Office, Registration Number TX 7-149-773.

NINTH COUNT

29. The plaintiff hereby incorporates by reference paragraphs 1 through 12 of the General Allegations as if fully set forth herein.

30. The plaintiff JI ran an article entitled “Hazardville Water Co. wants 19% increase” on August 18, 2009, which article was copied in whole or in part in an article printed by the defendant Courant on August 20, 2009, entitled “Water Company Seeks 19 Percent Rate Hike.” The plaintiff holds a certificate of registration from the Copyright Office, Registration Number TX 7-149-855.

TENTH COUNT

31. The plaintiff hereby incorporates by reference paragraphs 1 through 12 of the General Allegations as if fully set forth herein.

32. The plaintiff JI ran an article entitled “Dems walk out on McCoy over handling of DPW director” on August 19, 2009, which article was copied in whole or in part in an article printed by the defendant Courant on August 21, 2009, entitled “DPW Vacancy Prompts Abrupt End to Meeting.” The plaintiff

holds a certificate of registration from the Copyright Office, Registration Number TX 7-149-887.

ELEVENTH COUNT

33. The plaintiff hereby incorporates by reference paragraphs 1 through 12 of the General Allegations as if fully set forth herein.

34. Still further, the defendant engaged in additional tortious conduct by which it appropriated plaintiff's work product and reporting to gain financial advantage by using published stories from the JI on its website which provides news coverage to consumers in electronic form. Those JI stories were reproduced in substance on the Courant's Internet site as set forth in a list attached hereto as Exhibit B. At no time did the plaintiff consent to the defendant's use of the news stories on the defendant's Internet site.

35. The actions of the defendant constitute conversion of the plaintiff's property, all to the special loss and damage of the plaintiff herein.

TWELFTH COUNT

36. The plaintiff hereby incorporates by reference paragraphs 1 through 12 of the General Allegations as if fully set forth herein.

37. The plaintiff hereby incorporates by reference paragraphs 34 and 35 of the Eleventh Count as if fully set forth herein.

38. The defendant has been unjustly enriched by virtue of its misconduct, particularly in light of the reduction of its overhead for reporters covering local stories, its use of news information gathered by plaintiff's reporters, and its misappropriating plaintiff's stories and falsely attributing them to the defendant and its own reporters. Thus, the defendant has benefited through the use of plaintiff's newsgathering resources and efforts, all to the plaintiff's special loss and damage.

THIRTEENTH COUNT

39. The plaintiff hereby incorporates by reference paragraphs 1 through 12 of the General Allegations as if fully set forth herein.

40. The plaintiff hereby incorporates by reference paragraph 34 of the Eleventh Count as if fully set forth herein.

41. The plaintiff hereby incorporates by reference paragraph 37 of the Twelfth Count as if fully set forth herein.

42. Competition among newspapers is intense and becoming more so as the economy weakens. Local news stories are a major draw for newspaper readers.

43. To reduce its costs, in recent years the defendant has greatly reduced its news reporting, particularly staff members assigned to local

stories. This has occurred while the plaintiff has maintained its local reporting staff, and incurred the costs of same.

44. Larger newspapers have the advantage of economies of scale, and the defendant's pirating of the plaintiff's local news stories and the newsgathering efforts of the plaintiff's staff members substantially diminishes the plaintiff's ability to compete.

45. At all times relevant hereto, the conduct of the defendant offended public policy; was immoral, oppressive, unethical, and unscrupulous; and caused substantial injury to readers, competitors, and advertisers, thereby violating the Connecticut Unfair Trade Practices Act ("CUTPA") C.G.S. § 42-110a, *et seq.*, as made and provided, resulting in ascertainable losses to the plaintiff as set forth herein.

DEMAND FOR JURY

The plaintiff hereby demands trial by jury.

WHEREFORE, the plaintiff claims:

1. Damages pursuant to 17 U.S.C. § 504(c)(1) of \$150,000 per violation;
2. Damages pursuant to 17 U.S.C. § 504(c)(2);
3. Attorney's fees pursuant to 17 U.S.C. § 505;
4. Damages pursuant to the Eleventh, Twelfth and Thirteenth Counts of \$5,000,000, including damages pursuant to C.G.S. § 42-110g; C.G.S. § 42-110g(a); C.G.S. § 42-110g(d); and
5. Such other legal and equitable relief as the court deems appropriate.

PLAINTIFF,

By 

Richard P. Weinstein, Esquire of
WEINSTEIN & WISSER, P.C.
29 South Main Street, Suite 207
West Hartford, CT 06107
Telephone No. (860) 561-2628
Federal Bar No. ct06215

EXHIBIT A

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**Published in
Journal Inquirer**

Friday, July 31, 2009
Bolton Lakes Sewer Project Denied
Funding for Next Phase of Work
By Kym Soper

Friday, July 31, 2009
New Party Gets Place
On East Hartford Ballot
By Matthew Engelhardt

Saturday-Sunday, August 1-2, 2009
Construction of Regional
Emergency Center Gets Grant
By Kym Soper

Wednesday, August 5, 2009
Greenway Trail Plan Gets Green Light
from East Windsor Selectmen
By Kory Loucks

Wednesday, August 5, 2009
Interim Principal Named in Hebron
By Journal Inquirer Staff

Wednesday, August 12, 2009
Selectmen Raise Building, Zoning Fees
By Journal Inquirer Staff

Wednesday, August 12, 2009
PZC Extends Permit for One Year
to Allow Completion of Condo Project
By Kory Loucks

**Appeared in
Hartford Courant**

Tuesday, August 4, 2009
Sewer Project Funding pulled by USDA
By Aviv Blasbalg

Tuesday, August 4, 2009
GOP candidates Form Tea Party Committee
By Aviv Blasbalg

Thursday, August 6, 2009
Emergency Center Gets Grant for Equipment
By Aviv Blasbalg

Friday, August 7, 2009
Grant Would Fix Bridge, Help Fund Greenway
By Aviv Blasbalg

Friday, August 7, 2009
Hebron Hires Principal
By Aviv Blasbalg

Thursday, August 13, 2009
Board Changes Fees
By Aviv Blasbalg

Tuesday, August 18, 2009
Coleman Farms Condos Get Permit Extension
By Aviv Blasbalg

**Published in
Journal Inquirer**

Monday, August 17, 2009
Board of Education Happy
With Superintendent
By Ed Jacovino

Tuesday, August 18, 2009
Hazardville Water Co.
Wants 19% Increase
By Harlan Levy

Wednesday, August 19, 2009
Dems Walk Out on McCoy
Over Handling of DPW Director
By Max Bakke

**Appeared in
Hartford Courant**

Friday, August 21, 2009
Board extends contract
By Aviv Blasbalg

Thursday, August 20, 2009
Water Company Seeks 19 Percent Rate Hike
By Aviv Blasbalg

Friday, August 21, 2009
DPW Vacancy Prompts Abrupt End to Meeting
By Aviv Blasbalg

EXHIBIT B

EXHIBIT B

August 14, 2009 | story

Conservative Synagogues In Manchester, Vernon To Merge
...agreed to merge Thursday, the Journal Inquirer reported. In simultaneous...celebration for Sept. 13, the Journal Inquirer reported. Congregation B...the vote on the merger, the Journal Inquirer reported.

TAGS: Judaism, Newspaper and Magazine

August 13, 2009 | story

Proposed Regulation Changes Could Keep Developers Out Of Manchester
...developers out of town, the Journal Inquirer reported. The commission...developer and property owner, the Journal Inquirer reported. The commission...over subdivision sites, the Journal Inquirer reported.

TAGS: Newspaper and Magazine

August 13, 2009 | story

Broad Street Redevelopment Plan In Manchester Moves Forward
...the vacant side of the Parkade shopping center, the Journal Inquirer reported. The plan calls for the area to be redeveloped...eateries, high-rise condominiums and apartments, the newspaper reported. There would also be some pockets of entertainment...

TAGS: Referenda, Interior Policy, Housing and Urban Planning

August 13, 2009 | story

Hebron Increases Permit Application Fees
...permits and for zoning compliance applications, the Journal Inquirer reported. Certificates of occupancy

changed from...cents for every \$1,000 of work on the site, the newspaper reported. In addition, a new administrative review...

August 13, 2009 | story

East Windsor Extends Condominium Complex Permit
...condominium complex Tuesday, the Journal Inquirer reported. The condominium...roadway to be completed, the Journal Inquirer reported. The permit was...Included in the site work, the newspaper reported. If the developer...

TAGS: East Windsor, Newspaper and Magazine

August 13, 2009 | story

Hebron Looking For New Trooper
...two resident troopers, the Journal Inquirer reported. Kelly Kraynak...leave her post this fall, the Journal Inquirer reported. In March, Kraynak...the state police ranks, the Journal Inquirer reported. She started a bike...

TAGS: Crimes, Drug Trafficking, Newspaper and Magazine

August 12, 2009 | story

Church's Request For Tax Break On Rental Property Is Denied
...move into a former gym in an industrial park, the Journal Inquirer reported. Faith Tabernacle First United Pentecostal...and allowed the church to pay less in rent, the Journal Inquirer reported. The money the property owner saved in...

TAGS: Church and State Relations, Lincoln Center, State Budgets

August 11, 2009 | story

South Windsor To Apply For Broadband Project Grant
...special meeting Monday, the Journal Inquirer reported. The grant application...will be made Sept. 14, the newspaper reported. Applying for the...Manchester is the lead agency, the Journal Inquirer reported. The \$5 billion...

TAGS: Newspaper and Magazine

August 11, 2009 | story

Caligiuri To Speak At Republican Town Committee Meeting

...Christopher J. Dodd, D-Conn., in the fall, will speak Wednesday at the Republican town committee meeting, the Journal Inquirer reported. The meeting will be held at 7 p.m. at Coventry town hall in conference room B.

TAGS: Christopher J. Dodd, Waterbury

August 7, 2009 | story

Former Conn. FOI lawyer Tasered 2 more times

Associated Press

...state job after his arrest in January, and said he regretted his conduct. ----- Information from: Journal Inquirer, <http://www.journalinquirer.com> AP-ES-08-07-09 0601EDT

TAGS: Weaponry, East Hartford, Censorship, Road Accidents

August 7, 2009 | story

Football Fees To Rise Steeply In Ellington

...they've been recent years, the Journal Inquirer reported. About 40 to 45 students...because of budget constraints, the Journal Inquirer reported. The football program...and equipment, according to the newspaper.

TAGS: Football, Newspaper and Magazine

August 5, 2009 | story

18-Year-Old East Hartford Man Charged With Sex Crime

...sexual assault and risk of injury to a minor, the Journal Inquirer reported. Police said Robert D. Smith, of

73...around April 22 involving a 14-year-old girl, the Journal Inquirer reported. Smith was being held on \$50,000...

TAGS: Assault, Sexual Assault, East Hartford, Crimes

August 5, 2009 | story

Former Vernon Town Official Dies

...including the town council in the 1960s, died last week, the Journal Inquirer reported. He was 96. Campbell also served on the Northeast...Rockville and Vernon were consolidated in the mid-1960s, the Journal Inquirer reported.

TAGS: Rockville (Montgomery, Maryland), Rockville (Bethlehem, Pennsylvania)

August 5, 2009 | story

Town To Meet Soon On Sign Regulations

...to discuss revisions to regulations on signs, the Journal Inquirer reported. Zoning Enforcement Officer Virginia...that she wants to tighten signage regulations, the newspaper reported. She said businesses, especially some...

TAGS: Virginia

August 4, 2009 | story

Former Vernon Town Council Member Dies

...including the town council in the 1960s, died last week, the Journal Inquirer reported. He was 96. Campbell also served on the Northeast...Rockville and Vernon were consolidated in the mid-1960s, the Journal Inquirer reported.

August 4, 2009 | story

Man Charged With Stealing Washing Machine

...burglary and larceny charges, the Journal Inquirer reported. Scott Allen Morgan...missing from the front porch, the Journal Inquirer reported. Police canvassed...admitted taking the machine, the Journal Inquirer reported.

Police said that...

August 4, 2009 | story

Five Arrested For Pot In Enfield

By AVIV BLASBALG, The Hartford Courant

...Street at about 10 p.m., the Journal Inquirer reported. Police said Geoffrey...marijuana residue inside, the Journal Inquirer reported. They also found a...marijuana totaling 7 grams, the Journal Inquirer reported. Arthur and Geoffrey...

TAGS: Medicine, OxyContin, Vehides, Newspaper and Magazine

August 1, 2009 | story

WWII bomber offers tour of Hartford

Associated Press, Journal Inquirer of Manchester

...of flight costs about \$5,000 in fuel, maintenance, and other expenses. ----- Information from: Journal Inquirer, <http://www.journalinquirer.com> AP-ES-08-01-09 1535EDT

TAGS: Goodwin College, World War II (1939-1945), East Hartford, Veterans Affairs, Defense

July 31, 2009 | story

Funding Pulled For Bolton Sewer Project

...new policy guidelines, the Journal Inquirer reported. In a letter sent...and wastewater program, the Journal Inquirer reported. The sewer system...ensure the USDA grant, the Journal Inquirer reported. To be eligible...

TAGS: Contracts, Water Supply, Pollution, United States, Water Pollution

July 31, 2009 | story

Guardsmen Units Going To Iraq And Kuwait

...to be deployed in support of the war in Iraq, the Journal Inquirer has reported. Enfield's 1st Battalion 169th...17 for training at Fort Hood, Texas, the Journal Inquirer also reported. The unit will then be deployed in...

TAGS: Newington, Kuwait, Bradley International Airport, Texas

July 31, 2009 | story

Pinney Seeks 4th Term As Somers' 1st Selectman

First Selectman David Pinney is seeking a fourth term, the Journal Inquirer reported. Pinney, who has run unopposed in the previous two elections, will be challenged by Republican Lisa Pellegrini...

TAGS: National Government, Democratic Party, Government

July 30, 2009 | story

Mass. homicide victim's body found in Conn.

Associated Press

...Phillips was killed several days ago in a shed outside his apartment building. ----- Information from: Journal Inquirer, <http://www.journalinquirer.com> AP-ES-07-30-09 1113EDT

TAGS: Crimes, Murder, Massachusetts, Prosecution, Suffield

July 29, 2009 | story

Court Rejects Man's Appeal

...state Appellate Court, the Journal Inquirer reported. The Appellate...unconstitutionally vague, the Journal Inquirer reported. Maddox, of 146...arrested for any crime, the Journal Inquirer reported. But on Nov...

TAGS: Justice System, Court Administration, East Windsor, Punishment, Newspaper and Magazine

July 29, 2009 | story

East Hartford Officers Find Suspension Insufficient

...officer is insufficient, the Journal Inquirer reported. And internal affairs...around midnight on May 14, the Journal Inquirer reported. According to the...suspension the week of July 9, the Journal Inquirer reported. He is back on duty...

TAGS: Mark Kelly, Newspaper and Magazine

July 29, 2009 | story

Two Men Arrested In East Hartford On Drug Charges

...car on Main Street, the Journal Inquirer reported. Kerrigan Cowles...a possible trespassing, the Journal Inquirer reported. An unnamed third...marijuana and a pipe, the Journal Inquirer reported.

TAGS: Central African Republic, Crimes, Drug Trafficking, Marlborough, Vehicles

July 29, 2009 | story

Carnival Starts Thursday

Hartford Courant

The Broad Brook Fire Department's annual carnival at the corner Main Street and North Road (Route 140) will run from Thursday through Saturday, the Journal Inquirer reported.

TAGS: Festive Event

July 28, 2009 | story

East Hartford: Man Arrested For Firing Gun

By AVIV BLASBALG, The Hartford Courant

... 's Riverside Park and scared fishermen, the Journal Inquirer reported. Edgar Brito, 29, was charged with...registered gun owner but denied firing a weapon, the Journal Inquirer reported. Police seized a gun, ammunition and a...

TAGS: Defense, Connecticut River, East Hartford, West Hartford, Firearms

July 28, 2009 | story

GOP Changes Local Slate

Hartford Courant

...recommended by the party's nominating committee Monday, replacing two candidates with nominees from the floor, the Journal Inquirer has reported. The nominating committee chose Brian J. Cullinan for the board of selectmen and William G. Dove...

July 28, 2009 | story

Deadline Is Approaching For New Student Registration

The deadline for students who need to register for school next year is Aug. 14, the Journal Inquirer has reported. New students entering the public schools or Connecticut International Baccalaureate Academy, and residents...

TAGS: Schools

July 27, 2009 | story

East Hartford Convenience Store Robbed

A Mayberry Village convenience store was robbed Friday by a man armed with a sawed-off shot gun, the Journal Inquirer reported. The man fled on a bicycle. The man entered the Family Market on Great Hill Road about 4:30 p...

TAGS: East Hartford

July 27, 2009 | story

West Hartford Man Arrested For Firing Gun Into River

...s Riverside Park and scared local fishermen, the Journal Inquirer reported. Edgar Brito, 29, was charged with...registered gun owner but denied firing a weapon, the Journal Inquirer reported. Police seized a gun, ammunition and a...

TAGS: Connecticut River, Defense, West Hartford, Firearms

June 2, 2009 | story
Organizing Chaos At Class LL Track Meet

By PAUL DOYLE, The Hartford Courant
...volunteers to run things. It's a huge undertaking." As the afternoon wore on, one event rolled into another as Journal-Inquirer reporter and public address announcer Matt Buckler reeled off the winners and provided stride-by-stride commentary...

TAGS: Redman, Athletics, Track and Field

April 15, 2009 | story
Journal Inquirer To Charge For Using Its Website
By KENNETH R. GOSSELIN, The Hartford Courant
As newspapers struggle to make their Internet sites...are not print subscribers. The Journal Inquirer, which is independently owned, will begin charging the fee today. The newspaper said it is planning to add exclusive...
TAGS: Quinnipiac University, Newspapers, Hamden, Advertising, Newspaper and Magazine

March 18, 2009 | story
Cipriani Seeks To Serve Sentence In Italy
Associated Press
...43-year-old Barry Rossi, and 43-year-old mechanic Lorne Stevens. — Information from: Journal Inquirer,
<http://www.journalinquirer.com> AP-ES-03-18-09 1328EDT
TAGS: Windsor Locks, Meriden, Car Repair and Maintenance Tips, The Associated Press, Italy