

## Shetland showdown

*The Great Shetland Web squabble ended on Tuesday afternoon in the Court of Session in Edinburgh as it began — at heart a row between two far north islanders, one of whom in the end preferred going out on his boat to making the long trip south.*

**By Duncan Campbell**

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In the 13 months since the case first hit the news, Shetland Times vs Shetland News has become one of the great libertarian cause célèbres of the Net. At stake has been a legal issue striking at the fundamental nature of the Web — the ability to link directly to pages on someone else's site.

By taking their squabble to court, the owners of the two media organisations threatened the world with a legal precedent about whether linking to a site without the site operator's express permission was or was not lawful. Although binding in Scotland only, the resulting verdict would have been a legal precedent affecting copyright which would guide courts and litigators in most other jurisdictions.

The wired world was waiting impatiently for the Edinburgh verdict, but it never arrived. After three hours of high farce in which the Court of Session only sat in order to be silent for two minutes remembrance, the two islanders finally had their heads knocked together and reached an agreement that leaves the Web free to flourish and grow.

The parties to the quarrel — Robert Wishart, who runs the Shetland Times newspaper, and Dr Jonathan Wills, who runs the Shetland News news agency — once worked together. But they went their separate ways and both set up Web sites. In 1996, Wills claimed he had launched the Shetland News as "Britain's first daily Internet paper" ([www.shetland-news.co.uk](http://www.shetland-news.co.uk)).

Five months later, the Shetland Times also went online ([www.shetland-times.co.uk](http://www.shetland-times.co.uk)). This site contained a front page, a headlines page, and many of the stories and pictures that were also appearing in the print edition.

Wills of the Shetland News then offered his readers a menu that contained a mix of his own headlines and theirs. So by clicking on a story about a “council cock-up”, browsers could be passed on to the rival Times site and read their copy.

The Shetland Times sued the Shetland News, alleging breach of copyright. They claimed they were being cheated, since they were seeking to earn money from their Web site by selling advertising on their front page.

Wills of the News did not even show up for his day of judgment. Friends believed he had probably set sail instead from his home on Bressay, an outlying island.

By the afternoon, the case was over and settled. The two sides agreed that the News could hyperlink to the Times — but on conditions: each link had also to feature a logo and an attribution (“A Shetland Times story”), which were to be hyperlinked to the Shetland Times list of headlines.

That’s it. The parties agreed to bear their own costs.

On points, this week’s result was a victory for the News side. But the climbdown is, more importantly, a victory for the Net. Yaman Akdeniz of Leeds University law faculty, who runs the Cyber-Rights and Cyber-Liberties (UK) lobby group, welcomed the settlement as “great news for the Internet community . . . Hyperlinks are absolutely essential. What you put on the Web is in the public domain, and linking is just like putting a footnote in an article.”

The most troubling thought to take away was that a vitally important matter of electronic law could have been decided in such uncomfortable and partially informed circumstances. Not a laptop was to be seen anywhere. A judge’s ability to ride above these technical hitches should not be derided, but it did seem that his court had been called in order to host Toddlers in Cyberspace.