

Hospital to fight Disney over Peter Pan rights

By Nigel Reynolds, Arts Correspondent

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The cartoon characters of Disney have kept children amused for generations. Less funny, they may find, is a dispute between the film empire and London's Great Ormond Street Hospital over money which might otherwise be used to treat sick children.

The hospital is to consult lawyers next week to investigate whether a children's adventure book published by Disney in America [infringes the hospital's long-held ownership of the copyright](#) of J M Barrie's Peter Pan.

Millions of pounds earned from royalty fees have been spent on helping sick children as a result of Barrie's decision to give his copyright to the hospital before his death in 1937.

Great Ormond Street, increasingly concerned at the cost and difficulties of policing the copyright, has written to Hyperion Books, a New York-based division of the film company, to protest that Peter and The Starcatchers, which is billed as a prequel to Peter Pan, has been published without its permission.

It has complained that Hyperion is denying the hospital money that it could spend on research and medical equipment. The hospital said Barrie's original fairy story remains in copyright in America until 2023, even though it runs out in Europe in 2007.

Disney was equally emphatic yesterday that Peter Pan was already out of copyright in America.

In a statement last night Disney said: "The copyright to the J M Barrie stories expired in the US prior to 1998, the effective date of the US Copyright Extension Act, and thus were ineligible for any extension of their term. With another American test case - over a Peter Pan sequel published three years ago - pending before the courts, Great Ormond Street is now fearful that Barrie's book has become a free-for-all in America and that it stands to lose millions of pounds before 2023.

But the hospital says privately that it is a hard-pressed charity and it may not be able to afford a long court case in America.

Hyperion admitted yesterday that Peter and the Starcatchers is based on Peter Pan and that permission had not been sought. A spokesman said: "We are very certain that in the US Peter Pan is in the public domain."

Peter and the Starcatchers was written by two Americans, Dave Barry, a Pulitzer prize-winning humour columnist, and Ridley Pearson, a crime writer, and was published with much fanfare and a long authors' tour last month.

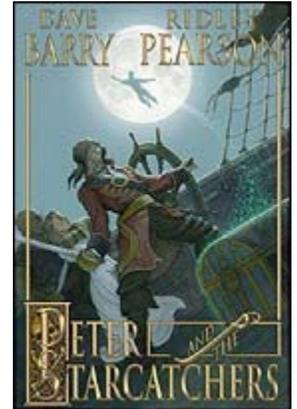
The book tells the story of Peter, an orphan and "the leader of the Lost Boys", and his adventures with pirates and thieves on the High Seas. Peter's ship is called Never Land.

The other case hanging over the hospital is a book called After the Rain - A New Adventure for Peter Pan by a little-known Canadian author, Emily Somma. First published in Canada, where Peter Pan is out of copyright, it then went on sale in California.

A spokesman insisted that copyright in America had been extended to 2023 from 2007 because of a law, the Copyright Extension Act, passed in 1998.

He said: "We are very disappointed at the publication of this new book and we will be discussing it with our lawyers next week."

► [20 August 2004: Peter Pan is to fly once again](#)



Peter and the Starcatchers

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