

## LOOK SUES STERN AND CHICAGO NEWS

### Action Asks Injunction and Damages on Kennedy Book

By SIDNEY E. ZION

Look magazine filed lawsuits yesterday against The Chicago Daily News and the West German magazine Stern over the serialization of William Manchester's book, "The Death of a President."

Both suits, one filed in United States District Court in Chicago, the other in Hamburg, West Germany, asked for damages and an injunction.

The suit against The Chicago Daily News seeks to enjoin the paper from reproducing any portion of future Look installments, including the magazine's cover, without permission of Look.

The suit against Stern asks for an injunction against further serialization of the installments. A hearing is scheduled for tomorrow in Hamburg.

Look charged that The Chicago Daily News prematurely published on Jan. 7 an "excessive amount of material" from the first installment of the book.

The suit accuses the newspaper of unfair competition, infringement of copyright and deliberate impairment of contracts Look had with publishers in 25 countries for a coordinated publication of the serialization.

#### Charges Are Listed

The action against Stern charges that the German publication breached its contract with Look in these ways:

First, by advancing the contractual publication date from Jan. 15 to Jan. 9 "in an attempt to scoop Look and publications in 25 other countries."

Second, by adding photographs, captions and other material to the first installment "which were not in keeping with the spirit and tone" of the book and had not been approved by Mr. Manchester or Look.

Third, by using advertising and promotion material that was not consistent with "the standing and dignity" of the serialization.

Fourth, by publishing material it was "neither licensed nor authorized to publish and by threatening to continue to publish other unlicensed and unauthorized material."

Look said in a statement yesterday that the "unlicensed and unauthorized material" referred "of course" to the material objected to by Mrs. John F. Kennedy.

"Stern is the only publication which has refused to modify those paragraphs of a personal nature which distressed Mrs. Kennedy," said William A. Wood, editor in chief of Colwles Communications, Inc., the publishers of Look.

"Stern says these passages shouldn't distress her," he said. "They are the only publication in the world to presume to tell Mrs. Kennedy what should and should not distress her."

Look and Harper & Row, publishers of the Manchester book, and Mr. Manchester recently agreed to delete certain passages of a private nature after Mrs. Kennedy filed a lawsuit.

Unlike the suit against Stern, the action against The Chicago Daily News is not based on breach of contract, since Look had no agreement with the paper.

The gist of the action is that Look had embargoed until Jan. 10 its press release detailing some aspects of the first installment and that the paper had published "excessive" material from the installment on Jan. 7.

The paper had no comment last night. But on Jan. 7, Roy Fisher, editor of The Chicago Daily News, said his paper had decided to print its article after it had obtained an advance copy of the magazine.

He said no release date had been printed on the copy of the magazine the paper had obtained and that the paper had not received a news release from Look.

Prof. Walter Derenberg, who teaches copyright law at New York University Law School, said in an interview yesterday that the copyright law permits only "fair use" of another publication's copyrighted material unless consent is given for more extensive use.

"As a general rule," he said, "this means that substantial and direct copying is not permissible without the consent of the copyright holder."

He said that paraphrasing presents a "borderline question," however.

A spokesman for Look said yesterday that the Chicago paper had used about 450 words of direct quotations from the first installment and that there had been "extensive paraphrasing."

The case against Stern could involve the question of whether German or New York law applies. A Look spokesman said that the contract with the German publisher provided that New York law would apply in the event of a dispute.

But the German courts are the arbiters of which law applies and to what degree, according to lawyers.