

Posting Copyrighted Image Has Consequences

October 11, 2012

Any organization with a website should take care that it is not posting anyone else's copyrighted content without permission. If a court finds that the unauthorized use of another's copyrighted content was done intentionally, statutory damages and attorney fees may be imposed.

Pacific Stock, Inc. recently filed a copyright infringement lawsuit in federal court alleging that Dream Communications, Inc., an online magazine listing luxury homes in Hawaii, used a photographic image owned by Pacific Stock in its online magazine without permission. Pacific Stock further alleged that Dream Communications intentionally removed the copyright management information from the image and substituted its own copyright management information on the image. Dream Communications did not respond to the complaint and the court ultimately entered a default judgment. The court determined that, had Dream Communications properly licensed the photo, it would have paid just under \$8,000 in licensing fees. Finding that Dream Communications was liable for willful copyright infringement, the court awarded Pacific Stock statutory damages of \$45,000 plus almost \$7,000 in attorney fees and costs.

The risk of using infringing content online cannot be overlooked. Doing so intentionally can result in serious consequences under federal copyright law. Learn more about this issue by reviewing the report and recommendation that became the basis for the court's order in the Pacific Stock case.