

June 2016

## "PROTECT YOURSELF"

### AWASH WITH COPYRIGHT LAWSUITS

According to Daily Journal, Thursday, June 9, 2016

The most recent copyright infringement case against Urban Outfitters and other retailers was settled for **\$416,000** after trial in the Central District of California

**26% of 2500 US Federal copyright cases take place in Federal court in Los Angeles** (more than New York or elsewhere)!

Between 2011 and 2015, **417 cases were brought in Los Angeles** by 4 local printers, all represented by one law firm.

Through May of this year, one printer has filed **34 lawsuits**, on pace to match the 80 filed last year, and ahead of the 2014 pace when 56 were filed; one per week

Attorneys' fees run \$200,000 - \$400,000 on top of any award

***The pendulum has swung very far from levels of common sense....so be prepared.***

### WHAT YOU CAN DO

1. Start by **asking the printed or knitter if the company has a copyright registration** of the pattern being considered. Ask to see **evidence of 'original-work' authorship** (either art work or a knitted sample). Where the mill has purchased the design from an art studio or another entity, ask that the sale to you includes a statement that the original copyright is being transferred to you.
2. **Get an indemnity, in writing, from the mill covering both you and anyone to whom you sell product.** This should be included in your purchase order.
3. **Buy your own copyright infringement insurance.** Some policies are expensive but it is a small price to pay to protect you and your customers.
4. **Use 'public domain' designs.** These are designs that are available without issues of copyright ownership. There are facilities that maintain libraries of thousands of prints already in the public domain or that 'exist in nature'. You can select a design from any of these reference materials and have it made. You do not have the right to copyright that design either, but it will keep you out of the courtroom.
5. **If you are not comfortable with the response to your due-diligence inquiries, then do not buy the pattern!**
6. **Design your own prints.**

For More Information:

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