

Kluwer Copyright Blog

USA: Garcia v. Google, Inc, United States Court of Appeals, Ninth Circuit, 12-57302, 18 May 2015

Kluwer Patent Blog · Tuesday, May 26th, 2015

An actress in the controversial anti-Islamic film *Innocence of Muslims* lacked a copyright interest in her performance in the film and was not entitled to a preliminary injunction against the film's display on YouTube, the U.S. Court of Appeals in San Francisco has held in an en banc opinion (*Garcia v. Google, Inc.*, May 18, 2015, McKeown, M.). The en banc court dissolved a three-judge panel's amended takedown injunction against the posting or display of any version of the film that included plaintiff Cindy Lee Garcia's performance. The en banc court held that the injunction was unwarranted and incorrect as a matter of law and was a prior restraint that infringed the First Amendment. In its amended opinion, as well as its original opinion, the court had held that Garcia was likely to succeed on the merits of her copyright infringement claim and that, absent removal of the video, she would continue to be subject to threats and possible physical harm. The court reached the same conclusion in its amended opinion, but it added additional reasoning in support of its holding of the actress's ownership of a protectable copyright.

A [full summary](#) of this case has been published on [Kluwer IP Law](#).

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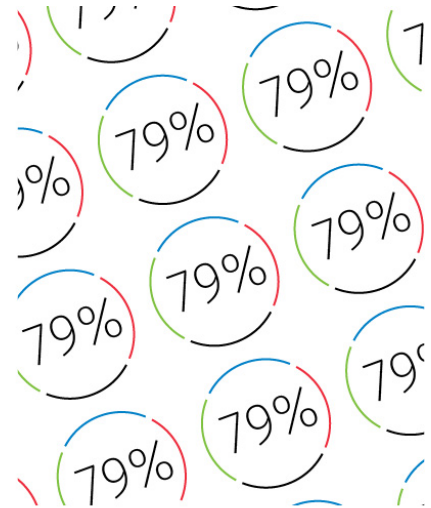
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