

USA: Stevens v. CoreLogic, Inc., United States Court of Appeals, Ninth Circuit, No. 16-56089, 20 June 2018

Kluwer Copyright Blog

July 9, 2018

Thomas Long (Wolters Kluwer Legal & Regulatory US)

Please refer to this post as: Thomas Long, 'USA: Stevens v. CoreLogic, Inc., United States Court of Appeals, Ninth Circuit, No. 16-56089, 20 June 2018', Kluwer Copyright Blog, July 9 2018, <http://copyrightblog.kluweriplaw.com/2018/07/09/usa-stevens-v-corelogic-inc-united-states-court-appeals-ninth-circuit-no-16-56089-20-june-2018/>

Real estate photographers failed to provide evidence that software provider CoreLogic, Inc., removed copyright management information (CMI) from licensed photos posted to listing services by real estate agents using CoreLogic's software with the requisite mental state for liability under the Digital Millennium Copyright Act (DMCA), the U. S. Court of Appeals in San Francisco has held. The photographers did not affirmatively show that CoreLogic knew that its software's failure to retain metadata in the photographers' digital image files that contained invisible watermarks would "induce, enable, facilitate, or conceal" copyright infringement, as required for liability under 17 U.S.C. §1202(b). There was no evidence from which one could infer that future infringement was likely to occur as a result of the removal or alteration of copyright management information. The Ninth Circuit affirmed a decision of the federal district court in San Diego, which ruled on summary judgment that CoreLogic could not be liable for violating the DMCA due to the photographers' failure to meet the "mental state" requirement of Section 1202(b) (Stevens v. CoreLogic, Inc., June 20, 2018, Berzon, M.).

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