

USA: Glacier Films (USA), Inc. v. Turchin, United States Court of Appeals, Ninth Circuit, No. 16-35688, 24 July 2018

Kluwer Copyright Blog

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The federal district court in Portland, Oregon, erred in declining to award attorney fees to a film distributor as the prevailing party in a copyright infringement suit against a BitTorrent peer-to-peer network user who had stipulated to judgment of infringement, the U.S. Court of Appeals in San Francisco has ruled. The district court abused its discretion by denying fees without properly analyzing the “Fogerty factors” in deciding whether a fee award was appropriate under Section 505 of the Copyright Act. The court also improperly focused on unfavorable conduct of plaintiffs and their counsel in other BitTorrent cases rather than assessing the particular circumstances of this case (Glacier Films (USA), Inc. v. Turchin, July 24, 2018, McKeown, M.).

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