

Kluwer Copyright Blog

Copyright case: American Board Of Internal Medicine v. Rushford, USA

Robert B. Barnett (Wolters Kluwer Legal & Regulatory US) · Wednesday, February 3rd, 2021

District court erred in ruling that a copyright infringement suit by a medical certification board against a physician for sending test questions to a test prep company was time-barred.

The “discovery rule” in a copyright infringement case means that the three-year statute of limitations begins to run on the date of the discovery of the cause of action, even if discovery is made within three years of injury, the U.S. Court of Appeals in Philadelphia has held, reversing the New Jersey district court’s dismissal of a claim brought by the American Board of Internal Medicine (ABIM) alleging that an exam taker shared test questions with a review service in violation of its copyright. Thus, if ABIM discovered the identity of the person sending the test questions two and a half years after the date the questions were sent, ABIM had three years from that date to file suit (*American Board Of Internal Medicine v. Rushford*, December 24, 2020, Roth, J.).

Case date: 24 December 2020

Case number: No. 19-2461

Court: United States Court of Appeals, Third Circuit

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

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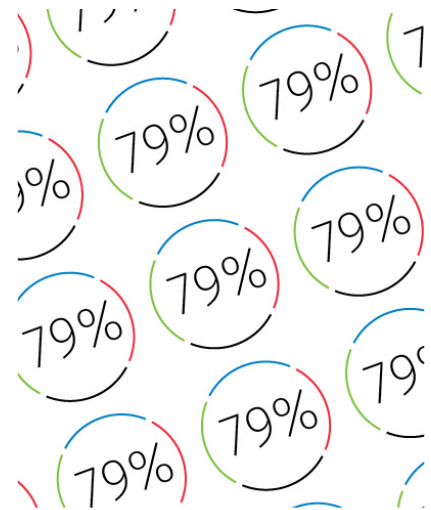
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