

## Copyright case: Desire LLC v. Manna Textiles Inc., USA

Kluwer Copyright Blog  
March 5, 2021

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Please refer to this post as: Robert B. Barnett, 'Copyright case: Desire LLC v. Manna Textiles Inc., USA', *Kluwer Copyright Blog*, March 5, 2021, <http://copyrightblog.kluweriplaw.com/2021/03/05/copyright-case-desire-llc-v-manna-textiles-inc-usa/>

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By disallowing multiple statutory damages awards under the Copyright Act, the Ninth Circuit could cause future plaintiffs under similar facts to sue each defendant separately.

In a suit—in which a jury returned a verdict of \$480,000 against five defendants in the textile industry—involving infringement of a single copyrighted fabric design, the U.S. Court of Appeals in San Francisco has reversed and remanded the damages award, ruling that the Copyright Act does not permit multiple statutory damages awards where one infringer is jointly and severally liable with all other infringers but the other infringers are not completely jointly and severally liable with one another. Additional groups of jointly and severally liable defendants may be subject to separate awards of statutory damages, but only if no defendant in the group is jointly and severally liable with a member of another group. Circuit Judge Kim McLane Wardlaw would have upheld the award, arguing that the Copyright Act permits multiple awards under these facts (*Desire, LLC v. Manna Textiles, Inc.*, February 2, 2021, Bennett, M.).

Case date: 02 February 2021

Case number: No. 17-56641

Court: United States Court of Appeals, Ninth Circuit

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