
Kluwer Copyright Blog

USA: Design Data Corp. v. Unigate Enterprise, Inc, United States Court of Appeals, Ninth Circuit, Nos. 14-16701, 9 February 2017

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Wednesday, February 15th, 2017

A seller of computer aided design (CAD) files used for steel detailing services could have infringed a software provider's CAD program by downloading an unauthorized copy of the program, the U.S. Court of Appeals in San Francisco has held. There was a genuine issue of material fact as to whether the unauthorized download was more than an insignificant violation of the software provider's copyright. The seller could not, however, have engaged in copyright infringement by importing and distributing within the United States program output generated by a Chinese contractor using an unauthorized copy of the program, the court determined. The copyright in the program did not extend to the program's output of images and files. In addition, the appellate court affirmed a district court's decision to refuse the software provider a further opportunity to amend its complaint (*Design Data Corp. v. Unigate Enterprise, Inc.*, February 9, 2016, Hawkins, D.).

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

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