

Kluwer Copyright Blog

Copyright case: Spinelli v. NFL Ventures, L.P., USA

Cheryl Beise (Wolters Kluwer Legal & Regulatory US) · Tuesday, September 18th, 2018

The federal district court in Manhattan erred in dismissing copyright infringement claims brought by a group of professional sports photographers against the National Football League (NFL) and its teams, the Associated Press (AP), and Replay Photos, LLC (Replay), the U.S. Court of Appeals in New York City has ruled. The photographers—who had granted licenses for certain uses of their event photos to AP, as the NFL’s exclusive licensing agency—plausibly alleged that AP exceeded the scope of the licenses by granting sublicenses for use of the plaintiffs’ photos to the NFL and Replay, the operator of AP’s NFL Photo Store. The plaintiffs also alleged sufficient facts to support their claims against AP for fraud and breach of the implied covenant of good faith and fair dealing. However, the district court properly dismissed the plaintiffs’ antitrust, breach of fiduciary duty, and unconscionability claims (*Spinelli v. NFL Ventures, L.P.*, September 11, 2018, Lynch, G.).

Case date: 11 September 2018

Case number: No. 17-0673

Court: United States Court of Appeals, Second Circuit

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

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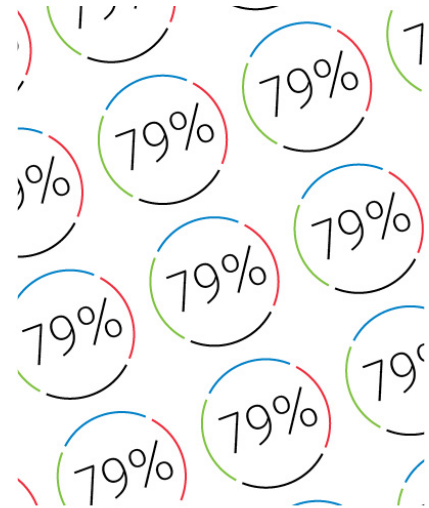
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