
Kluwer Copyright Blog

Copyright case: Bell v. Vacuforce LLC, USA

Cheryl Beise (Wolters Kluwer Legal & Regulatory US) · Monday, December 3rd, 2018

The federal district court in Indianapolis, Indiana, did not abuse its discretion by imposing monetary sanctions under Federal Rule of Civil Procedure 11 and 28 U.S.C. § 1927 against an attorney who had represented a company accused of publishing an unauthorized copy of photographer Richard Bell's photograph of the Indianapolis skyline, the U.S. Court of Appeals in Chicago has ruled. The sanctions against attorney Paul Overhauser were warranted because he filed a frivolous and misleading motion for attorney fees under Section 505 of the Copyright Act. Overhauser's fee motion claimed that the defendant was the "prevailing party" under Section 505, but it failed to mention the parties' settlement agreement and the defendant's payment to Bell and falsely stated that this suit presented the "identical scenario" as another case in which Bell for different reasons had voluntarily dismissed a copyright infringement claim against a defendant represented by Overhauser. The district court's sanction of \$500 under Rule 11 and award of attorney fees to Bell for opposing Overhauser's fee motion were affirmed (Bell v. Vacuforce, LLC, November 14, 2018, Hamilton, D.).

Case date: 14 November 2018

Case number: No. 18-1159

Court: United States Court of Appeals, Seventh Circuit

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

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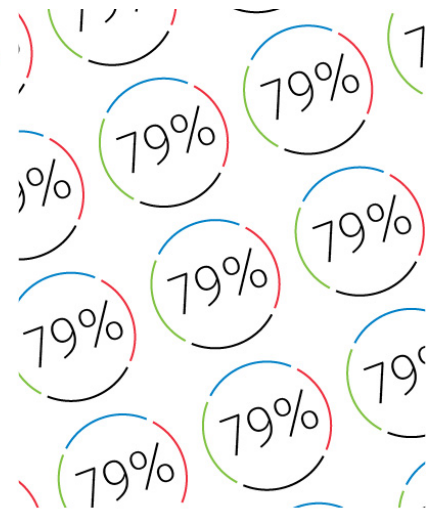
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