

Kluwer Copyright Blog

Copyright case: SellPoolSuppliesOnline.com LLC v. Ugly Pools Arizona Inc., USA

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Tuesday, April 28th, 2020

Although the claims failed, the district court did not abuse its discretion in rejecting the defendants' request for a fee award because the plaintiff's positions were not objectively unreasonable.

The U.S. Court of Appeals in San Francisco has affirmed district court orders granting summary judgment in favor of a swimming pool builder and remodeler that was accused of infringing copyrighted photographs and website templates owned by a licensor of pre-made websites for sellers of pool supplies. The district court correctly determined that the licensor's copyright registration was based on inaccurate information that was knowingly submitted. In addition, the appellate court affirmed the district court's judgment that the licensor failed to state a claim under the Digital Millennium Copyright Act (DMCA) for falsifying copyright management information because the copyright notices on the pool builder's website were not displayed "in connection with" the allegedly infringed photographs. Finally, the Ninth Circuit held that the district court did not abuse its discretion in denying the defending builder's request for attorney fees under Section 505 of the Copyright Act (*SellPoolSuppliesOnline.com, LLC v. Ugly Pools Arizona, Inc.*, March 31, 2020, per curiam).

Case date: 31 March 2020

Case number: No. 18-16839

Court: United States Court of Appeals, Ninth Circuit

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

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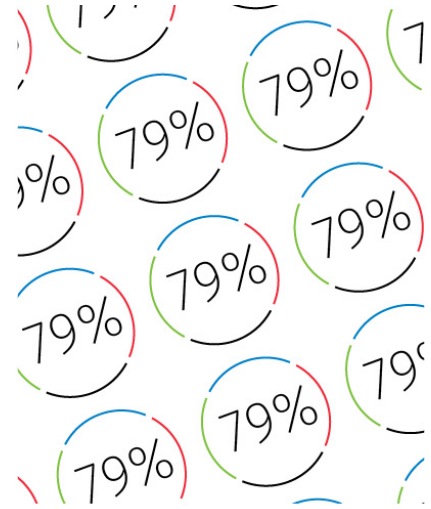
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