
Kluwer Copyright Blog

Copyright case: Fischer v. Forrest, USA

Robert B. Barnett (Wolters Kluwer Legal & Regulatory US) · Monday, August 17th, 2020

17 U.S.C. §412 precluded developer of honey harvesting aid from seeking statutory damages for mail-order seller's copying of advertising text in catalogue.

The suit by the developer of a honey harvesting aid used by beekeepers alleging that a mail-order business infringed his copyright in advertising copy for the device was properly dismissed because the first allegedly infringing act occurred before the product was registered, U.S. Court of Appeals in New York City has ruled, affirming a lower court's grant of summary judgment to the mail-order business. The Second Circuit also affirmed the lower court's dismissal of the developer's Digital Millennium Copyright Act (DMCA) claim because removing the developer's name from advertising copy did not qualify as the removal of copyright management information (CMI) that the DMCA sought to prevent (Fischer v. Forrest, August 4, 2020, Parker, B.).

Case date: 04 August 2020

Case number: No. 19-20505

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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