
Kluwer Copyright Blog

Copyright case: Bitmanagement Software GmbH v. U.S., USA

Robert Margolis (Wolters Kluwer Legal & Regulatory US) · Thursday, May 20th, 2021

Navy's failure to track simultaneous users created copyright infringement liability.

Though the Court of Federal Claims correctly found that the U.S. Navy was deemed to have received an implied-in-fact license to copy Bitmanagement Software GmbH's copyrighted graphics-rendering software onto its computers, the trial court erred by not finding that the Navy breached this license when it did not monitor the number of users at any given time, which was a condition of the license, the U.S. Court of Appeals for the Federal Circuit has held. The appellate court held that the Navy is liable for copyright infringement and remanded the case for the determination of damages (*Bitmanagement Software GmbH v. U.S.*, February 25, 2021, O'Malley, K.).

Case date: 25 February 2021

Case number: Federal Circuit, No. 20-1139

Court: United States Court of Appeals

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

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