
Kluwer Copyright Blog

Copyright case: Victor Elias Photography, LLC v. Ice Portal, Inc., USA

Brian Craig (Wolters Kluwer Legal & Regulatory US) · Saturday, August 27th, 2022

The photographer's mere showing of removal of embedded copyright management information (CMI) in hotel photographs is insufficient to meet the scienter requirement.

The federal appeals court in Atlanta, Georgia has refused to reinstate a case brought by a photographer claiming a violation of the Digital Millennium Copyright Act (DMCA) against a hotel intermediary that provided hotel photographs to travel websites. In affirming the district court's summary judgment ruling, the federal appeals court concluded that the photographer failed to show how the intermediary between hotels and online travel agents met the scienter requirement under the DMCA. The appeals court held that a mere showing of removal of embedded copyright management information (CMI), leading to the possibility that an infringer could use the photos undetected, is insufficient to meet the scienter requirement (Victor Elias Photography, LLC v. Ice Portal, Inc., August 12, 2022, Covington, V.).

Case date: 12 August 2022

Case number: No. 21-11892

Court: United States Court of Appeals, Eleventh Circuit

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

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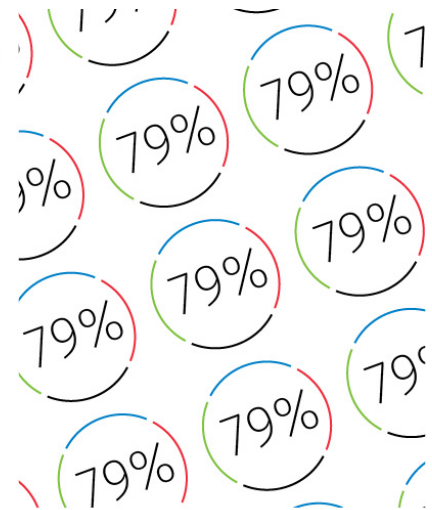
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