

Copyright Infringement Definition and Penalties

Copyright infringement is the reproduction, distribution, performance, public display, or derivation of a copyrighted work without the explicit authorization of the copyright owner. Infringement is a serious offense that violates any one or more of the exclusive rights granted to copyright owners.

Types of copyright infringement include direct, vicarious and contributory. Direct infringers violate a copyright owner's exclusive rights. Vicarious infringers may have the right to control infringing activities, may expect to profit or benefit from the infringement, may actively operate or supervise a place where infringement occurs, or may control the content of the infringing program. Contributory infringers are aware that infringement is taking place and encourage, cause or contribute to infringement.

All copyright owners have the right to seek recovery of actual damages and lost profits when infringement takes place. Infringement disputes are heard in federal court and if penalties are assessed, they may include issuing an injunction, impounding and disposing of infringing articles and equipment, and awarding actual damages and lost profits proven by the plaintiff. Criminal penalties may apply when infringement is willfully committed for commercial advantage or financial gain or when in a 180-day period, copyrighted works with a retail value of \$1,000 or more are reproduced and/or distributed. If the violated work has been registered with the U.S. Copyright Office, the courts may also award statutory damages ranging from \$750 to \$30,000 for the infringement of any one work, and up to \$150,000 in the case of willful infringement in addition to awarding attorney's fees and costs. In cases where the defendant proves that he was unaware that he was infringing on copyright, the court has the option of reducing statutory damages to an award of not less than \$200. For additional information, the infringement and penalties portion of the U.S. Copyright Act are located at <http://www.copyright.gov/title17/92chap5.html>.

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