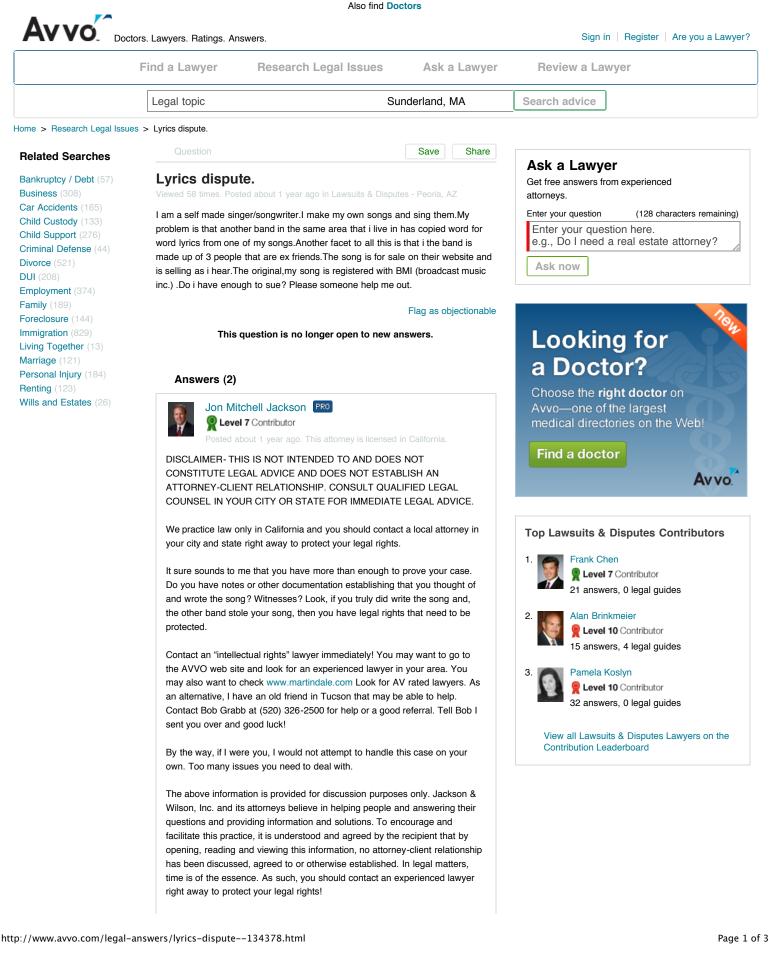
Shirokov v. Dunlap, Grubb & Weaver PLLC et al

Lyrics dispute. - Avvo.com



Best Regards,

Jon Mitchell "Mitch" Jackson Jackson & Wilson, Inc. Tel No. 949-855-8751 Toll Free 800-661-7044 Email: mitch@jacksonwilson.com

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Thomas M Dunlap PRO

Level 4 Contributor

Posted about 1 year ago. This attorney is licensed in Virginia and 2 other

Copyright

It sounds like they are infringing on copyrightable material. Under the Berne Convention (the US joined in 1989) you have a common law right to protection, however in order to potentially recover statutory and punitive damages you need to register your copyright immediately (happy to help) as you generally only have 90 days from the date of the infringing publication to do so (17 USC 412). Get to a lawyer today and register that copyright with the US Copyright Office ASAP!

Statutory damages for infringement of registered copyright can be found in 17 USC 504 and range from \$750 to \$30,000 per work infringed, at the discretion of the court based upon the facts and circumstances for the nonwillful variety of infringement . If one can prove willful infringement damages can be as high as \$150,000 per work. On the other hand, Defendants that prove they were, in the words of the statute "not aware and had no reason to believe" they were infringing can seek a damage reduction under the same statute. Of course successful Plaintiffs get to recover their attorney's fees as well.

Demonstrating copyright infringement requires you prove all three of the following:

1. Ownership of a valid copyright

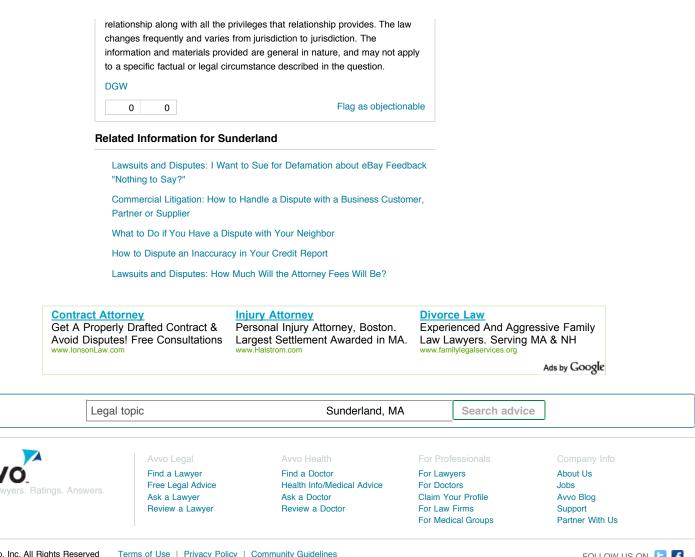
2. Copying by an infringing party (See Keeler Brass Co. v. Continental Brass Co., 862 F.2d 1063 (4th Cir. 1988); Atari, Inc. v. North American Philips Consumer Electronics Corp., 672 F.2d 607, 614 (7th Cir. 1982), cert. denied, 459 U.S. 880, 103 S. Ct. 176 (1982).

3. Of constituent elements in the copyrightable material that are protected (Bouchat v. Baltimore Ravens, Inc., 241 F.3d 350, 353 (4th Cir. 2001). A valid copyright is an original work that is fixed in a tangible means of expression. An original work requires both a modicum of creativity and independent creation.

Thomas Dunlap

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