

Severe Implications of Willful Infringement and the Importance of Obtaining Licenses

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It is no surprise that copyright infringement could result in serious consequences for a business. But just how much could it end up costing? A recent jury verdict in the United States District Court, Central District of California illustrates how severe the repercussions might be.

In the case of *Scott Hargis v. Pacifica Senior Management LLC*, an architectural photographer, Scott Hargis, alleged that a senior living management company “reproduced, distributed, and publicly displayed” Hargis’s photos on its website for commercial purposes without a license.ⁱ Specifically, Hargis alleged that the company willfully infringed because it is “it is a sophisticated for-profit business with full knowledge of the strictures of federal copyright law and the basic requirements for licensing copyrighted content for commercial exploitation” and continued to use the photos despite repeated notice by Hargis.ⁱⁱ There were 43 photos alleged to be unlawfully in use by the company.ⁱⁱⁱ

Damages for copyright infringement are provided by statute, ranging from \$150 to a maximum of \$150,000 per instance for “willful infringement.” Ultimately, the jury deemed 42 infringements as willful and assessed maximum statutory damages per infringement, totaling \$6.3 million.^{iv}

Such damages are a costly risk for any business but are easy to avoid. The jury verdict in Hargis should serve as a reminder to always obtain permission by securing a license before posting an image. When in doubt, seek legal counsel. This easy process will help your business avoid the risk of a high statutory damages award like that of Hargis.

i See Complaint, *Scott Hargis v. Pacifica Senior Management LLC*, Case No. 2:22-cv-06989 at 13 (C.D. Cal. 2023).

ii Id. at 15-16.

iii Id. at 24.

iv Lauren Berg, *Photographer Wins \$6.3M Copyright Verdict In Calif. Jury Trial*, Law360, Dec. 18, 2023, <https://www.law360.com/articles/1778500/photographer-wins-6-3m-copyright-verdict-in-calif-jury-trial>

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