

Supreme Court to Review Fee Shifting in Copyright Cases

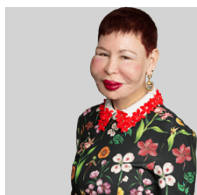
Published in *Managing Intellectual Property*

March 2016

This article discusses the potential that the US Supreme Court will establish a new standard for determining whether attorneys' fees should be granted to a prevailing party in a copyright case following the grant of a petition for certiorari in *Kirstaeng v. John Wiley & Sons, Inc.* In 2013, Kirstaeng had successfully defended itself against a copyright infringement suit launch by John Wiley & Sons and was seeking reimbursement for legal fees as the prevailing party. The Second Circuit Court of Appeals ruled against Kirstaeng, determining that John Wiley & Sons' claims were not "objectively unreasonable", a standard which is different from that applied by other Circuits. A decision by the Supreme Court on the standard to apply may have a far-reaching impact on future copyright litigation, as the risk of fee-shifting may alter the decision of whether or not to pursue and defend litigation.

CONTACTS

For more information, contact your Katten attorney or any of the following attorneys.



Karen Artz Ash

+1.212.940.8554

karen.ash@katten.com



Bret J. Danow

+1.212.940.6365

bret.danow@katten.com

Attorney advertising. Published as a source of information only. The material contained herein is not to be construed as legal advice or opinion.

©2025 Katten Muchin Rosenman LLP.

All rights reserved. Katten refers to Katten Muchin Rosenman LLP and the affiliated partnership as explained at katten.com/disclaimer.