Katten Wins Victory for Clothing Retailer in Copyright Dispute

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The United States District Court for the Central District of California has granted summary judgment in favor of Katten client Aeropostale, Inc. in a copyright dispute with L.A. Printex Industries, Inc. L.A. Printex sued Aeropostale and several other clothing retailers, claiming that various garments infringed L.A. Printex's copyrighted fabric design. L.A. Printex had registered the design in 2005 as part of a collection of patterns and claimed on its copyright application that the entire group had been published as a single unit prior to registration. In its summary judgment motion, however, Aeropostale produced evidence showing that the designs in the collection had not been published as a single unit, and L.A. Printex failed to submit any evidence to the contrary. Because L.A. Printex did not produce evidence regarding single unit publication sufficient to establish a genuine issue of material fact as to validity of its copyright registration, the court found, as a matter of law, that L.A. Printex could not prevail on its copyright infringement claim.

L.A. Printex has initiated more than 100 separate lawsuits for copyright infringement of fabric designs. In many cases, the designs are believed to have been taken from clip art, third parties, or the public domain, and are not the original work of any L.A. Printex designer.

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