

Introduction to the 2026 Edition

The *Copyright Litigation Handbook 2026*, by Raymond Dowd, guides the subscriber through all the steps of copyright litigation. The author, a recognized expert, walks attorneys step-by-step from the moment a prospective client calls through the calculation of litigation costs and attorney's fees. This book includes sample forms, pleadings, motions, checklists, and practice tips, and includes up-to-date citations.

Highlights of the New Edition

New features and recent developments in this edition include the following:

- **Copyrightability of Characters:** The Ninth Circuit's decision in *Carroll Shelby Licensing, Inc. v. Halicki*. See § 2:28.
- **Avoiding Sanctions and Initial Missteps:** The Fifth Circuit's decision in *Keck v. Mix Creative Learning Center, L.L.C.* See § 3:15.
- **Competing Ownership Claims:** The Seventh Circuit's decision in *Wright v. DJ International Records/Pop Star Publishing*. See § 7:4.
- **Pleading Copyright Infringement Claims:** The Ninth Circuit's decision in *Woodland v. Hill*. See §§ 7:11, 7:12.
- **Vicarious Infringement:** Recent decisions including the Ninth Circuit's decision in *Rearden, LLC v. Walt Disney Pictures*. See § 7:20.
- **John Doe Defendants:** Recent decisions including the Ninth Circuit's decision in *In re Subpoena of Internet Subscribers of Cox Communications, LLC*. See § 7:26.
- **Jurisdiction over Foreign Defendants:** The Eleventh Circuit's decision in *World Media Alliance Label, Inc. v. Believe SAS*. See §§ 7:27, 14:15.
- **Foreign Law and Choice of Law:** The Southern District of New York's decision in *Great Bowery Inc. v. Valnet, Inc.* See §§ 7:30, 9:14.

- **Jurisdiction and Venue in Copyright Pleadings:** The Tenth Circuit's decision in *DP Creations, LLC v. Adolly.com*. See § 7:33.
- **Copyright Ownership and Licensing:** Recent decisions of the Second and Seventh Circuits. See § 8:1.
- **Motion for judgment on the pleadings:** The Ninth Circuit's decision in *Fischer v. White*. See § 9:5.
- **Default judgment on copyright infringement claims:** The Second Circuit's decision in *Romanova v. Amilus Inc.* See § 9:23.
- **Circumstances Warranting Removal:** The Ninth Circuit's decision in *Thomson v. Hodgson*. See § 10:1.
- **Defense of Fair use:** Recent decisions of the Second Circuit. See § 13:25.
- **Statute of Limitations Defense:** The First Circuit's decision in *Foss v. Eastern States Exposition*. See § 13:33.
- **Arbitration:** Recent decisions. See § 13:33.
- **Defense of Res judicata:** Recent decisions in including the Second Circuit's decision in *Atticus Limited Liability Company v. Dramatic Publishing Company*. See § 13:47.
- **Duty to Supplement Disclosure:** The Ninth Circuit's decision in *Ambrosetti v. Oregon Cath. Press*. See § 14:9.
- **Expert Testimony:** The Second Circuit's decision in *Structured Asset Sales, LLC v. Sheeran* and the Ninth Circuit's decision in *Verstuys v. White Pine Circle LLC*. See § 15:27.
- **Expert testimony—Substantial similarity:** Recent decisions by the Eighth, Ninth and Eleventh Circuits. See § 15:30.
- **Expert testimony—Damages:** The Eighth Circuit's decision in *Hoffmann Bros. Heating & Air Conditioning, Inc. v. Hoffmann Air Conditioning & Heating, LLC*. See §§ 15:31, 17:3, 17:5.
- **Jury Instructions—Generally:** Recent decisions of the Ninth and Eleventh Circuits. See § 16:2.
- **Awards of attorney's fees and costs under the Copyright Act:** Recent decisions of the Fifth, Ninth, and Eleventh Circuits. See § 18:2.
- **New Section: Non-fungible tokens ("NFTs").** See § 2:64.
- **New Section: Expedited subpoenas to obtain identities of infringers.**

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- **New Section: Local rules - Dismissals and defaults.** See § 9:24.
- **New Section: Jurisdictional discovery.** See § 14:15.