

Ask a Lawyer

[Ask a Question](#)

[Today's Q&A](#)

[Question & Answer Archive](#)

[Topic Schedule](#)

Research Areas of Law

[Bankruptcy](#)

[Family Law](#)

[Labor and Employment Law](#)

[Personal Injury](#)

[Real Estate](#)

Related Links

Articles:

- [Do I Really Need a Lawyer?](#)
- [Selecting a Lawyer](#)
- [Lawyers' & Clients' Responsibilities to Each Other](#)

[Ask a Lawyer](#) > [Question & Answer Archive](#)

Ask a Lawyer Archive



Copyright Infringement: What Can I Do If A Book I Wrote Has Been Made Available In Digital Format For Free On The Internet?

[Kristie Prinz](#)

Q. I'm an author of a security book selling for \$80. Someone converted it to an electronic medium and has placed it on the Internet for free. What are my options?

-- Mark

A.

As the copyright owner of a work that has been infringed, you have the right to enforce your rights in your work against the infringers.

Sections 501 through 513 of the U.S. Copyright Act address the issue of infringement of a copyright in work.

Section 501 (a) provides that "[a]nyone who violates any of the exclusive rights of the copyright owner. . . is an infringer of the copyright or right of the author, as the case may be." Section 501 (b) further states that the "legal or beneficial owner of an exclusive right under a copyright is entitled, subject to the requirements of section 411, to institute an action for any infringement of that particular right committed while he or she is the owner of it."

What actions can you take? Both equitable and monetary remedies are available to you, meaning that you can take action to stop the infringement and/or you can sue for damages.

With respect to the available equitable remedies, Section 503(a) of the U.S. Copyright Act provides as follows:

Any court having jurisdiction of a civil action arising under this title may, subject to the provisions of section 1498 of title 28, grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain infringement of a copyright.

With respect to monetary remedies, you are entitled to both actual and statutory damages as well as costs

Browse for a Lawyer

- [Find Lawyers & Law Firms by State or Province](#)

- [Find Lawyers & Law Firms by Area of Law](#)

Find a Lawyer

Type in an area of law or a lawyer/firm name:

City:

State:

Country:

[Advanced Search](#)

[Search Help](#)

and attorneys fees. You would also be entitled to profits obtained from the infringement, except for the fact that in this case the work was made available for free on the Internet.

The rule on statutory damages is as follows:

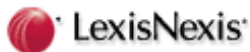
Section 504 (c) of the U.S. Copyright Act states:

1. Except as provided by clause (2) of this subsection, the copyright owner may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for all infringements involved in the action, with respect to any one work, for which any one infringer is liable individually, or for which any two or more infringers are liable jointly and severally, in a sum of not less than \$750 or more than \$30,000 as the court considers just. . . .
2. In a case where the copyright owner sustains the burden of proving, and the court finds, that infringement was committed willfully, the court in its discretion may increase the award of statutory damages to a sum of not more than \$150,000. In a case where the infringer sustains the burden of proving, and the court finds, that such infringer was not aware and had no reason to believe that his or her acts constituted an infringement of copyright, the court in its discretion may reduce the award of statutory damages to a sum of not less than \$200.

My advice is to consult with a copyright infringement litigator in your jurisdiction regarding the specific facts of this case, your options, and the likely cost of each. Such an attorney should be able to advise you on how best to proceed.

-- Kristie Prinz

[Find a Lawyer](#) | [Research Legal Information](#) | [Ask a Lawyer](#) | [Blogs](#) | [Contact Lawyers at attorneys.com](#) | [Community](#)



LexisNexis Martindale-Hubbell is the most complete, trusted source for identifying qualified legal counsel.

Disclaimer: The information provided on Lawyers.com is not legal advice, Lawyers.com is not a lawyer referral service, and no attorney-client or confidential relationship is or should be formed by use of the site. The attorney listings on Lawyers.com are paid attorney advertisements and do not in any way constitute a referral or endorsement by Lawyers.com or any approved or authorized lawyer referral service. Your access to and use of this site is subject to additional [Terms and Conditions](#).

[Martindale.com](#) | [Canada](#) | [attorneys.com](#) | [LawyerLocator.co.uk](#) | [www.findalawyer.cn](#) (China) | [www.law24.co.za](#) (South Africa) | [www.martindale.jp](#) (Japan) | [anwalt24.de](#) (German) | [martindale.co.il](#) (Israel) | [Lexis Nexis](#) | [lexisONE Free Case Law](#)

[Help](#) | [Site Map](#) | [About Us](#) | [Press Room](#) | [Info for Lawyers](#) | [Contact Us](#) | [Home](#) | [Index Map](#)

©2008 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.