

Jason Bloom in Intellectual Property Watch: In U.S., No Remedies for Growing IP Infringements

By Jason P. Bloom | March 5, 2019

RELATED PRACTICES Intellectual Property Litigation, Copyright, Intellectual Property

Intellectual Property Watch quoted Haynes Boone Partner [Jason Bloom](#) in an article about a recent 4th Circuit decision that may limit a copyright owner's recourse when his intellectual property is infringed by U.S. states.

Here is an excerpt:

Allen v. Cooper presents a clear case of copyright infringement. The copyright owner made photos and videos of its shipwreck investigation, then another entity posted some of those photos and videos online. The copyright owner sued – and could have expected an easy win, except for one thing: The infringer was the state of North Carolina. The 4th Circuit Court of Appeals threw out the lawsuit, holding that the 11th Amendment prevented North Carolina from being sued for copyright infringement in federal court. ...

A copyright owner could try suing in state court under some other legal theory, but that strategy is problematic.

“Any state law claims that are similar to copyright would face preemption challenges,” said Jason P. Bloom, a partner in the Haynes Boone law firm. In other words, such state claims could not be asserted because they would be preempted by federal copyright law.

To read the full article, click [here](#). (Subscription required)