

Court Upholds \$20 Million Jury Verdict for Willful Copyright Infringement

February 13, 2004

Washington, DC—The federal district court in Baltimore yesterday upheld one of the highest copyright infringement verdicts in history, a vigorously contested jury verdict of almost \$20 million on behalf of Wiley Rein & Fielding client, Lowry's Reports, Inc. The court also imposed a permanent injunction. WRF partner Thomas W. Kirby, and associates Scott E. Bain and Chin Yoo, represented Lowry's Reports.

Last October, a jury found that Legg Mason had willfully infringed 240 registered copyrights of Lowry's Reports, a newsletter covering stock market conditions, and awarded Lowry's \$18.9 million in statutory damages plus \$825,000 for breach of contract. Legg Mason had posted the newsletter on its intranet and otherwise systematically made it available to its brokers nationwide.

In its February 11 decision, the court rejected Legg Mason's claim that the damages were "grossly excessive" and should be reduced or set aside. It said that the jury had ample grounds for finding willful infringement, that Legg Mason had engaged in litigation misconduct and made "incredible arguments," and that the special copyright remedy of statutory damages had multiple purposes, including "a deterrent component."

Mr. Kirby, lead trial counsel for Lowry's, said that, "Lowry's is pleased that the Court shared the jury's perception of the seriousness of systematic copyright infringement."

Lowry's Report, Inc., is a six-person business located in Florida that publishes a highly regarded U.S. stock market analysis written by its long-time owner and company president Paul Desmond.

Mr. Desmond commented on the ruling, "We hope that this decision will serve as a meaningful reminder of the importance of copyright law, not only for the authors and publishers who are directly threatened but also for the millions of users who would be deprived of valuable works if the copyright laws were not vigorously enforced. We are very pleased to be so ably represented by the attorneys of Wiley Rein & Fielding."
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Practice Areas

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WRF's Copyright Practice attorneys litigate, negotiate, and counsel owners, technology providers and alleged infringers in copyright and digital copy protection matters and are particularly active in computer and Internet related issues. The group, led by Bruce G. Joseph, also is at the center of recent policy debates in diverse areas including the appropriate scope of liability for Internet service providers, limitations on the use of special subpoenas to identify Internet users, and approaches to content protection in consumer electronics and computer products.

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