

# 17 U.S.C. § 504(c) Remedies for infringement: Damages and profits

## (c) Statutory Damages. -

### (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. For the purposes of this subsection, all the parts of a compilation or derivative work constitute one work.

### (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. The court shall remit statutory damages in any case where an infringer believed and had reasonable grounds for believing that his or her use of the copyrighted work was a fair use under section 107, if the infringer was:

#### (i)

an employee or agent of a nonprofit educational institution, library, or archives acting within the scope of his or her employment who, or such institution, library, or archives itself, which infringed by reproducing the work in copies or phonorecords; . . .

See also: **How I Learned to Love FAIR USE... or how to bring a \$300,000 lawsuit down to \$0 if you're a library, archive, or nonprofit educational institution (2003)** by Mary Minow, Stanford University FAIR USE site at [http://fairuse.stanford.edu/commentary\\_and\\_analysis/2003\\_07\\_minow.html](http://fairuse.stanford.edu/commentary_and_analysis/2003_07_minow.html)