Liz Brodzinski Discusses Photo Copyright Case with Bloomberg Law

Bloomberg Law sought out Banner Witcoff attorney Liz Brodzinski for her insight on a federal appellate court's decision involving the Digital Millennium Copyright Act (DMCA).

The article covered the U.S. Court of Appeals for the Second Circuit's recent finding that Buzzfeed Inc. is liable under the DMCA "for altering a photographer's credit for a picture and publishing the photo in an article without permission."

According to Bloomberg Law, a Buzzfeed reporter downloaded a photo taken by a freelance photographer, edited the photo's credit, and used the photo in an article that Buzzfeed published. That led to the litigation, which the article notes focused on "whether the DMCA requires a defendant to know that altering the photo credit would lead to future third-party infringement." The Second Circuit found that such evidence isn't required.

"One thing this ruling does is it makes it important for publications like Buzzfeed to really train their journalists and writers in the correct application of the law," Liz told Bloomberg Law.

The August 13 article, "BuzzFeed's Loss in Photo Copyright Case Affirmed on Appeal," is available online to subscribers.

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