UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIE DERMANSKY PHOTOGRAPHY LLC, *Plaintiff*, -against- THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK, *Defendant*.	Index No.: 1:26-cv-03417 **COMPLAINT** **DEMAND FOR JURY TRIAL**

Plaintiff Julie Dermansky Photography LLC ("Plaintiff" or "Dermansky"), by and through its attorneys, brings this action against Defendant The Trustees Of Columbia University In The City Of New York ("Columbia") and alleges as follows:

NATURE OF THE ACTION

1. This is an action for direct copyright infringement under U.S. Copyright Act, 17 U.S.C. § 101 and for the violation of Plaintiff's rights under Section 1202 of the U.S. Copyright Act resulting from the unauthorized use, reproduction, and public display of Plaintiff's copyrighted photograph, and from the unauthorized removal and/or alteration of Copyright Management Information ("CMI"), as that term is defined under 17 U.S.C. § 1202.

2. Plaintiff brings this action in response to Columbia's unauthorized use of Plaintiff's original copyrighted photograph via Columbia's publicly accessible podcast website, its false attribution of copyright ownership in the photograph, and its fraudulent invocation of a Creative Commons license that Plaintiff never granted.

PARTIES

2. Plaintiff is a Louisiana limited liability company that is wholly owned by non-party Julie Dermansky (hereafter, Plaintiff and Ms. Dermansky are collectively referred to as "Dermansky").

3. Plaintiff was formed for the principal purpose of managing the licensing of photographic works created by Ms. Dermansky, and Plaintiff is the assignee of the relevant copyrights and other rights at issue in this case.

4. Since 2008, Ms. Dermansky has been primarily based in the greater New Orleans area, working as a professional photojournalist specializing in documenting environmental issues, social injustice, and culture in the Gulf South. Her sustained presence in South Louisiana over nearly two decades has enabled her to develop specialized expertise in creating timely, evocative content that stems from her deep understanding of the region, trust built within communities, and unique access to subjects and events that outside photographers cannot easily obtain. Ms. Dermansky's principal place of business is in Mandeville, Louisiana.

5. Defendant The Trustees of Columbia University in the City of New York ("Columbia") is a New York educational corporation with its principal offices located at 535 West 116th Street, New York, New York 10027. Columbia owns and operates Columbia University Libraries and the Studio for Law and Culture at Columbia Law School (collectively, the "Infringing Units"), which jointly produced, published, and distributed the podcast at issue in this case. Columbia can be served at Office of the General Counsel at 535 West 116th Street, New York, NY 10027.

6. Columbia owns, operates, or controls the podcast website and web presence for *Columbia Race Talks: Critical Race Theory* ("CRT2"), accessible at

https://crt2.podcasts.library.columbia.edu (the "CRT2 Site"), through which the Infringing Units published and publicly displayed Plaintiff's photograph without authorization.

JURISDICTION AND VENUE

6. This action arises under the U.S. Copyright Act, 17 U.S.C. § 101, *et seq*.

7. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over Columbia because Columbia's principal place of business is in New York, because the acts of infringement complained of herein occurred in and were directed toward the State of New York, and because Columbia caused injury to Plaintiff within the State of New York. Columbia's corporate operations within the State of New York are so continuous and systematic as to render it essentially at home in the State of New York, County of New York.

9. Venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400.

BACKGROUND FACTS

10. Ms. Dermansky is a professional photographer who specializes in photojournalism and documentary photography, working on assignment for news organizations, publications, and other editorial clients. Ms. Dermansky created all photographs at issue in this case and subsequently assigned the copyrights to Plaintiff. Plaintiff, as the copyright owner, licenses Ms. Dermansky's photographs for specific uses according to limitations specified in written licensing agreements, for which Plaintiff charges licensing fees based on the scope and nature of the permitted use.

11. Ms. Dermansky's photographs are highly valuable due to her specialized expertise and reputation in documenting environmental justice issues, particularly in Louisiana's

"Cancer Alley," and her unique access to subjects and locations that other photographers cannot readily obtain. The originality and rarity of the specific moments and subject matter she captures cannot be replicated.

12. Like many professional photojournalists, Dermansky's livelihood depends on revenue generated by licensing her original works for reproduction and public display. Photo attribution required with all rights-managed editorial licenses assures name recognition, which helps generate additional licensing revenue.

13. Dermansky licenses her work under a rights-managed licensing model, with each license limited in duration, scope, and medium. Dermansky did not grant, and has no record of granting, a license for any use of the photograph at issue to Columbia University Libraries, the Studio for Law and Culture at Columbia Law School, or to any Creative Commons entity.

COLUMBIA'S OWN COPYRIGHT POLICY

14. Columbia maintains a formal, publicly available Copyright Policy (the "Columbia Copyright Policy"), available at https://www.columbia.edu/cu/provost/docs/copyright.html, which sets forth the rights and responsibilities of the University, its faculty, employees, and students with respect to the copyrighted works of third parties.

15. The Columbia Copyright Policy expressly acknowledges that copyright law protects original works of authorship, including pictorial works, and establishes institutional obligations to respect third-party intellectual property rights.

16. Columbia further operates a Copyright Advisory Office dedicated to educating members of the Columbia community — including faculty, students, and staff — on proper copyright compliance, including the requirements for obtaining licenses before publicly displaying the copyrighted works of third parties.

17. Columbia's own designated DMCA agent for receiving notices of copyright infringement is Joel Rosenblatt, Columbia University Information Technology, 615 W. 131st St., 5th Floor, New York, NY 10025, reachable at copyright-abuse@columbia.edu, reflecting Columbia's awareness of, and stated commitment to, its obligations under federal copyright law.

18. Notwithstanding these institutional policies, resources, and obligations, the Infringing Units — two departments of Columbia operating under Columbia's direct control and supervision — used Plaintiff's copyrighted photograph without license, permission, or valid legal defense, removed and altered Plaintiff's CMI, attributed copyright ownership to a non-owner, and falsely invoked a Creative Commons license that was never granted.

PLAINTIFF'S WORK AT ISSUE

18. At issue in this lawsuit is Dermansky's photograph depicting members of Rise St. James at a Juneteenth observance ceremony on June 19, 2020, protesting the construction of a plastics manufacturing facility in St. James Parish, Louisiana (the "Photograph"), as shown here:



19. The Photograph was registered with the U.S. Copyright Office on August 17, 2020, under Registration No. VA 2-215-401.

20. The registration has been assigned to Plaintiff in writing, and Plaintiff is the sole owner of the copyright in the Photograph.

COLUMBIA'S UNAUTHORIZED USE OF THE PHOTOGRAPH

20. Columbia University Libraries and the Studio for Law and Culture at Columbia Law School jointly produced, published, and distributed a podcast series entitled *Columbia Race Talks: Critical Race Theory* ("CRT2"), hosted on the CRT2 Site.

21. Episode 1, Season 1 of CRT2 is entitled "Color Lines: Geography and Racial Control" (the "Episode").

22. The Episode features an interview with Stephanie Cooper, Vice President of Rise St. James, an environmental justice activist group based in the "Cancer Alley" region of Louisiana.

23. Without authorization or permission, Columbia reproduced, publicly displayed, and otherwise used its unauthorized copy of the Photograph in connection with the publication and distribution of the Episode on the CRT2 Site (the "Infringing Use").

24. Columbia's Infringing Use was not transformative and constitutes no cognizable fair use.

25. The currently known Infringing Use can be found at the following URL: https://crt2.podcasts.library.columbia.edu/podcast/color-lines-geography-and-racial-control/.

26. A screenshot of the CRT2 Site evidencing the Infringing Use is attached as Exhibit A.

23. Columbia did not ask Plaintiff for permission to use the Photograph in connection with the Episode, the CRT2 Site, or any related promotional or archival use.

24. At the time of Columbia's publication and display of the Photograph, neither Plaintiff nor anyone authorized on its behalf had granted Columbia any license or permission to reproduce, publicly display, create derivative works of, or otherwise use the Photograph for any purpose.

25. Upon information and belief, Columbia has made additional reproductions, distributions, and public displays of the Photograph, including through social media channels, in connection with the promotion of CRT2, beyond those identified above.

THE FRAUDULENT CREATIVE COMMONS CLAIM

26. The CRT2 Site purports, on its face, that all material published on the CRT2 podcast is permitted under a Creative Commons Attribution-NonCommercial License (CC-BY-NC 4.0). Specifically, the CRT2 Site states: "© 2021 This podcast is distributed under the terms of the Creative Commons Attribution-NonCommercial License (CC-BY-NC 4.0), which permits use, distribution, and reproduction of the work in a non-commercial context, provided the original author and source are credited."

27. This Creative Commons claim is demonstrably false as applied to the Photograph. Dermansky did not license the Photograph under any Creative Commons license, including CC-BY-NC 4.0. Columbia had no authority to subject the Photograph — a third-party work that Columbia itself did not author or own — to any Creative Commons license.

28. A Creative Commons license applied by a publisher extends only to content that publisher has the right to license. Columbia had no such right with respect to the Photograph.

Columbia's invocation of CC-BY-NC 4.0 as a purported justification for its Infringing Use is legally without basis and constitutes no cognizable defense.

THE CMI VIOLATIONS

29. Dermansky requires any licensee of Plaintiff's photographs to convey accurate authorship and ownership information (*i.e.*, CMI), and requires its licensees to pass that obligation to any sublicensee. All authorized publications of the Photograph included a written copyright notice attributing the authorship and ownership of the copyright in the Photograph to Plaintiff.

30. The CRT2 Site attributed the Photograph with the credit: "Source: Julie Dermansky and Sharon Kelly, 2020." This attribution is false. Sharon Kelly is not a co-author or co-owner of the Photograph. Ms. Dermansky is the sole author and Plaintiff is the sole copyright owner. By appending Sharon Kelly's name as a purported co-source, Columbia provided and distributed false CMI in violation of 17 U.S.C. § 1202(a).

31. Upon information and belief, the authorized copies of the Photograph from which Columbia sourced or obtained its unauthorized copy included CMI identifying Dermansky alone as the author and owner. Columbia intentionally removed and/or altered that CMI in publishing the Photograph with the false "Julie Dermansky and Sharon Kelly" attribution and without Plaintiff's complete and accurate copyright notice.

32. Columbia knowingly published and distributed the Photograph with knowledge that Plaintiff's CMI had been removed or altered, and knew, or had reasonable grounds to know, that doing so would induce, enable, facilitate, or conceal an infringement of Plaintiff's rights in the Photograph.

NOTICE AND COLUMBIA'S FAILURE TO RESPOND

33. On or about March 6, 2026, Plaintiff, through counsel, sent Columbia a formal Notice of Claim for Copyright Infringement, Preservation Notice, and Demand for Pre-Suit Settlement (the "Demand Letter") to Joel Rosenblatt at copyright-abuse@columbia.edu — Columbia's own designated DMCA agent — and to Columbia University Information Technology, 615 W. 131st St., 5th Floor, New York, NY 10025.

34. The Demand Letter demanded that Columbia immediately cease all Infringing Uses, preserve all relevant evidence, and contact Plaintiff's counsel by March 27, 2026 to discuss resolution.

35. Despite the Demand Letter and subsequent follow-up communication by Plaintiff's counsel, Columbia has failed to respond, has failed to take down the Photograph, and has continued to display the Photograph on the CRT2 Site without license or permission.

36. Columbia's continued use of the Photograph following receipt of the Demand Letter constitutes willful infringement.

FIRST CLAIM FOR RELIEF
Direct Copyright Infringement
17 U.S.C. § 101, *et seq.*

37. Plaintiff incorporates by reference and realleges the allegations in all prior paragraphs inclusive, as though fully set forth herein.

38. The Photograph is an original copyrightable work.

39. Ms. Dermansky is the sole author of the Photograph, and Plaintiff is the sole owner of the copyright therein.

40. Dermansky has complied in all respects with 17 U.S.C. § 101, *et seq*., and secured the exclusive rights in and ownership of the Photograph, and filed the copyright registration with the U.S. Copyright Office in accordance with its rules and regulations.

41. By reproducing and publicly displaying the Photograph on the CRT2 Site in connection with the Episode, Columbia has infringed Plaintiff's copyright in the Photograph without Plaintiff's permission or authorization.

42. As a direct and proximate result of the copyright infringement detailed herein, Plaintiff has been and continues to be damaged in an amount to be determined at trial.

43. As a direct and proximate result of the copyright infringement detailed herein, Columbia has gained and/or will gain substantial profits as a result of its infringement in an amount presently unknown and to be determined at trial.

44. Plaintiff is entitled to recover its actual damages and any additional profits of Columbia not calculated in the computation of actual damages, pursuant to 17 U.S.C. § 504(b).

45. Because the Photograph was registered prior to the commencement of the infringement, Plaintiff is entitled to elect statutory damages of up to $150,000 per infringed work upon a finding of willfulness, and to recover its costs and attorneys' fees, pursuant to 17 U.S.C. §§ 504(c) and 505.

46. Plaintiff is entitled to permanent injunctive relief enjoining and restraining Columbia from further infringing its copyright pursuant to 17 U.S.C. § 502.

SECOND CLAIM FOR RELIEF
Removal or Alteration of Copyright Management Information
Digital Millennium Copyright Act, 17 U.S.C. § 1202(b)

47. Plaintiff incorporates by reference and realleges the allegations in all prior paragraphs inclusive, as though fully set forth herein.

48. Dermansky requires any licensee to convey accurate authorship and ownership information (*i.e.*, CMI), and requires its licensees to pass that obligation to any sublicensee. All authorized publications of the Photograph included a written copyright notice attributing the authorship and ownership of the copyright in the Photograph to Plaintiff, appearing adjacent to or beneath the image and/or in the image's metadata.

49. The foregoing constitutes CMI pursuant to 17 U.S.C. §§ 1202(c)(1), (c)(2), and (c)(3).

50. Columbia intentionally removed and/or altered the CMI provided or distributed in connection with the Photograph, including but not limited to removing Plaintiff's accurate credit and replacing it with the false attribution "Julie Dermansky and Sharon Kelly, 2020."

51. Columbia knowingly published and distributed the Photograph with knowledge that Plaintiff's CMI had been removed or altered, and knew, or had reasonable grounds to know, that doing so would induce, enable, facilitate, or conceal an infringement of Plaintiff's rights in the Photograph, including by concealing Columbia's own unauthorized and infringing use of the Photograph.

52. Based on the foregoing, Columbia has committed at least one (1) violation of 17 U.S.C. § 1202(b).

53. Plaintiff has suffered actual damages in an amount to be determined at trial.

54. Plaintiff is entitled to recover its actual damages and any additional profits of Columbia not taken into account in computing actual damages, pursuant to 17 U.S.C. § 1203(c)(2).

55. In the alternative, and at its election, Plaintiff is entitled to recover statutory damages of up to $25,000.00 per violation pursuant to 17 U.S.C. § 1203(c)(3)(B).

56. Plaintiff is further entitled to recover its attorneys' fees and costs from Columbia pursuant to 17 U.S.C. §§ 1203(b)(4) and (b)(5).

57. Plaintiff is also entitled to permanent injunctive relief to prevent or restrain further violations of 17 U.S.C. § 1202(b) pursuant to 17 U.S.C. § 1203(b)(1).

THIRD CLAIM FOR RELIEF
Provision and/or Distribution of False Copyright Management Information
Digital Millennium Copyright Act, 17 U.S.C. § 1202(a)

58. Plaintiff incorporates by reference and realleges the allegations in all prior paragraphs inclusive, as though fully set forth herein.

59. Columbia published and distributed the Photograph with a credit to "Julie Dermansky and Sharon Kelly, 2020," when Columbia knew or should have known that Plaintiff is the sole author and owner of the Photograph, that Sharon Kelly is not a co-author or co-owner, and that Columbia did not license the Photograph from Sharon Kelly or any other source authorized to grant such a license.

60. Columbia further distributed the Photograph under the purported authority of a CC-BY-NC 4.0 Creative Commons license, falsely representing to the public and to downstream users that the Photograph was freely available for non-commercial use with attribution — a representation Columbia had no authority to make with respect to a work it neither authored nor licensed.

61. The foregoing CMI is false because, *inter alia*, Sharon Kelly is not a co-author or co-owner of the Photograph, and no Creative Commons license was ever granted by Plaintiff with respect to the Photograph.

62. Columbia committed the acts described herein knowingly and with intent to induce, enable, facilitate, or conceal an infringement of Plaintiff's rights in the Photograph.

63. Based on the foregoing, Columbia has violated 17 U.S.C. §§ 1202(a)(1) and (a)(2) with respect to the Photograph.

64. Plaintiff has suffered actual damages in an amount to be determined at trial.

65. Plaintiff is entitled to recover its actual damages and any additional profits of Columbia not taken into account in computing actual damages, pursuant to 17 U.S.C. § 1203(c)(2).

66. In the alternative, and at its election, Plaintiff is entitled to recover statutory damages of up to $25,000.00 per violation pursuant to 17 U.S.C. § 1203(c)(3)(B).

67. Plaintiff is further entitled to recover its attorneys' fees and costs from Columbia pursuant to 17 U.S.C. §§ 1203(b)(4) and (b)(5).

68. Plaintiff is also entitled to permanent injunctive relief to prevent or restrain further violations of 17 U.S.C. § 1202(a) pursuant to 17 U.S.C. § 1203(b)(1).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment in its favor and against Defendant as follows:

(a) For an award of monetary damages in an amount to be proven at trial;

(b) In the alternative, and at Plaintiff's election, statutory damages pursuant to 17 U.S.C. § 504(c) and 17 U.S.C. § 1203(c)(3)(B), including enhanced damages for willful infringement;

(c) For its attorneys' fees and costs pursuant to 17 U.S.C. §§ 505 and 1203(b)(4)-(5);

(d) For a permanent injunction preventing further violations of Plaintiff's rights;

(e) For interest as allowed by law; and

(f) For such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury for all issues so triable in this case.

Dated: April 24, 2026

Respectfully submitted,

DUNCAN FIRM, P.A.

By: */s/ James H. Bartolomei, III*

James H. Bartolomei Esq.
SDNY Bar JB7747
Of Counsel at Duncan Firm, P.A.
809 W. 3rd Street
Little Rock, Arkansas 72201
Telephone: 501-228-7600
james@duncanfirm.com

Attorneys for Plaintiff Julie Dermansky Photography LLC