

Bond Case Briefs

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EMINENT DOMAIN - TEXAS

University of Houston System v. Jim Olive Photography

Court of Appeals of Texas, Houston (1st Dist.) - June 11, 2019 - S.W.3d - 2019 WL 2426301

Professional photographer sued public university, alleging an unlawful taking based on the university's unauthorized use of his copyrighted aerial photograph of the city on university webpages.

The District Court denied the university's plea to the jurisdiction, and university brought interlocutory appeal.

The Court of Appeals held that addressing an issue of apparent first impression, copyrighted photograph was not protected from government taking.

Copyrighted photograph was not protected from government taking, and thus professional photographer failed to state a viable claim against public university for unauthorized use of photograph on university's webpages; photographer never lost right to use or license his photograph, and university's single act of copyright infringement cost photographer no more than a licensing fee.