**9.29 Copyright – Defenses – Affirmative Defense – Statute of Limitations**

[Name of defendant] claims that [name of plaintiff]’s copyright claim is barred by the statute of limitations, which is a time limit for bringing a claim.

To establish that the statute of limitations bars [name of plaintiff]’s copyright claim, [name of defendant] must prove by a preponderance of the evidence that [name of plaintiff] failed to file [his/her/its] lawsuit within three years after [he/she/it] knew or, in the exercise of reasonable diligence, should have known about the infringement.

Each act of infringement is a separate harm that creates an independent claim for relief. The statute of limitations only prevents [name of plaintiff] from recovering remedies for infringing acts that occurred more than three years before [name of plaintiff] filed [his/her/its] lawsuit.

**Special Interrogatories to the Jury**

 Did [name of plaintiff] fail to file [his/her/its] lawsuit within three years after [he/she/it] knew or, in the exercise of reasonable diligence, should have known about the infringement?

Answer Yes or No \_\_\_\_\_\_\_\_\_\_\_\_\_

 If the answer to the above question is “Yes,” do you find that the statute of limitations bars [name of plaintiff]’s copyright-infringement claim?

Answer Yes or No \_\_\_\_\_\_\_\_\_\_\_\_\_