

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-12636
Non-Argument Calendar

ATHOS OVERSEAS LIMITED CORP.,

Plaintiff-Appellee,

versus

YOUTUBE, INC.

Defendant,

YOUTUBE, LLC,

GOOGLE LLC,

Defendants-Appellants.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:21-cv-21698-DPG

Before WILLIAM PRYOR, Chief Judge, and ABUDU and ANDERSON,
Circuit Judges.

PER CURIAM:

YouTube appeals the denial of its motion for attorney’s fees. We affirm.

I. BACKGROUND

Athos sued YouTube for its alleged failure to remove video recordings from its platform that infringed on Athos’s copyrights for culturally significant Mexican and Latin American films. The district court granted summary judgment in favor of YouTube, and this Court affirmed. *See Athos Overseas Ltd. Corp. v. YouTube, Inc.*, 162 F.4th 1330 (11th Cir. 2026).

YouTube then moved for an award of attorney’s fees under the Copyright Act, 17 U.S.C. § 505. It argued that the factors in *Fogerty v. Fantasy, Inc.*, 510 U.S. 517 (1994), favored an award. Although the district court acknowledged that YouTube was the prevailing party, it found that Athos’s case was not frivolous, its motivation to protect its copyrighted works was not improper, its claims were not unreasonable, and concerns about deterrence and compensating successful defendants did not favor an award.

II. STANDARD OF REVIEW

We review a denial of fees to a prevailing party for abuse of discretion. *MiTek Holdings, Inc. v. Arce Eng’g Co.*, 198 F.3d 840, 842 (11th Cir. 1999) (“If the district court weighed the proper factors, then ‘we will not question the court’s decision to grant or deny fees absent an abuse of that discretion.’”).

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III. DISCUSSION

The district court did not abuse its discretion. “Prevailing plaintiffs and prevailing defendants are to be treated alike, but attorney’s fees are to be awarded to prevailing parties only as a matter of the court’s discretion.” *Fogerty*, 510 U.S. at 534. There is “no precise rule or formula” for awarding fees under section 505. *Id.* Frivolity of the action, the motivation for the action, whether the claims were objectively unreasonable (both in the factual and legal aspects of the case), and the need to advance considerations of compensation and deterrence are considerations that guide a court’s discretion in awarding attorney’s fees so long as they are faithful to the goals of the Copyright Act and are applied evenhandedly to prevailing plaintiffs and defendants alike. *Id.* n.19. (internal citation omitted). Contrary to YouTube’s arguments, the district court properly exercised its discretion in weighing these factors and determining that YouTube was not entitled to recover attorney’s fees. *See MiTek*, 198 F.3d at 842.

IV. CONCLUSION

We **AFFIRM** the denial of attorney’s fees.