**15.28 Trademark Damages—Plaintiff’s Statutory Damages (15 U.S.C. § 1117(c) and (d))**

**Comment**

In cases involving the use of a counterfeit mark, the plaintiff may elect to receive statutory damages instead of actual damages and profits. 15 U.S.C. § 1117(c). Statutory damages are also available for “cybersquatting” in violation of 15 U.S.C. 1125(d)(1). 15 U.S.C. § 1117(d).

Statutory damages are available under 15 U.S.C. § 1117(c) and (d). Statutory damages may be awarded against contributory infringers. *Louis Vuitton Malletier, S.A. v. Akanoc Sols., Inc.*, 658 F.3d 936, 944-45 (9th Cir. 2011). A prevailing party who elects to receive statutory damages under § 1117(c) cannot also receive prejudgment interest under § 1117(b). *Y.Y.G.M. SA v. Redbubble, Inc.*, 75 F.4th 995, 1007-09 (9th Cir. 2023).

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