

Jason Bloom in Bloomberg Law: Copyright Holders Fight for the Right to Sue While They Wait

By Jason P. Bloom | January 15, 2019

RELATED PRACTICES Intellectual Property Litigation, Copyright, Intellectual Property, Litigation

Haynes Boone Partner [Jason Bloom](#) talked with *Bloomberg Law* about a case in the U.S. Supreme Court that could determine how fast copyright holders can sue for infringement.

The key question before the Court is whether a copyright claimant may file suit upon applying for a copyright registration, as the Fifth and Ninth circuits have held, or whether it must wait until the Copyright Office issues a registration certificate (sometimes a lengthy process), as several other circuits have held.

Here is an excerpt:

Jason Bloom of Haynes Boone, who signed onto a brief by the International Trademark Association backing Fourth Estate, said the circuit split highlighted the ambiguity in the law. Bloom said litigants shouldn't be forced to wait because they'd have the right to sue regardless of the Copyright Office's determination. Bloom said the "application approach" better aligns with international standards for minimizing obstacles to rightsholders.

"In the fast-paced digital world, it's a little much to request everyone to register every piece they produce," Bloom told *Bloomberg Law*. "People are still incentivized to register even if the application approach is adopted" because eligibility for statutory damages or attorney fees requires registration within three months of publication, he added.

The case is *Fourth Estate Public Benefit Corp. v. Wall-Street.com LLC*, U.S., No. 17-571, Oral Arguments 1/8/19

To read the full article, click [here](#). (Subscription required)