

Bloom in WIPR, Managing IP: SCOTUS Agrees to Hear Copyright Registration Clash

By Jason P. Bloom | July 13, 2018

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World Intellectual Property Review and *Managing Intellectual Property* quoted Haynes Boone Partner [Jason Bloom](#) in articles about the upcoming U.S. Supreme Court decision that is expected to clarify whether a copyright claimant must obtain a registration certificate or merely apply for one before suing for infringement.

Here is an excerpt from *World Intellectual Property Review*:

Jason Bloom, partner at Haynes Boone, explained that the registration approach “creates an unnecessary burden on copyright claimants who need to pursue court relief quickly”.

Obtaining registration from the Copyright Office can often take more than nine months, he said.

The following is an excerpt from *Managing Intellectual Property*:

Jason Bloom, partner at Haynes Boone in Dallas, says that the fact the Supreme Court is taking the case from the Eleventh Circuit “could be viewed as an indication that they’re wanting to reverse the Eleventh Circuit’s decision, which favoured the registration approach.”

Advocates for the application approach say that it’s more practical because when registrations are granted, they are back-dated to the date of application. Additionally, the vast majority of applications are approved by the Copyright Office – they don’t undergo the same scrutiny in evaluation as patents. Bloom comments: “98% of the time they give you your registration certificate. So what are you really waiting for?”

Even when a registration is denied, copyright owners still have the right to sue for infringement, even under the registration approach. Bloom says: “It doesn’t make any sense to require people to wait until the Copyright Office has made a determination because you’re allowed to sue whether it’s granted or denied.... Content is created so quickly these days, it’s often not practical for people to seek a registration every time they create something.”

To read the full *World Intellectual Property Review* article, click [here](#).

To read the full *Managing Intellectual Property* article, click [here](#).