Jason Bloom Weighs in on High Court Ruling on Key Copyright Case

By Jason P. Bloom | March 13, 2019

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Several media outlets interviewed Haynes Boone Partner Jason Bloom about his thoughts on the unanimous U.S. Supreme Court ruling in *Fourth Estate v. Wall-Street.com*.

The court this week ruled that a copyright holder cannot sue for infringement before the U.S. Copyright Office has registered or rejected the work. The high court rejected Fourth Estate Public Benefit Corp.'s argument that the act of applying for copyright registration meets the requirement for filing an infringement suit. Wall-Street.com LLC argued the law plainly requires a copyright holder to have a Copyright Office registration in hand before suing for infringement.

Here are excerpts:

Managing Intellectual Property:

The expedited registration fee costs $800 per work. However, according to Jason Bloom, partner at Haynes Boone in Dallas Texas, “in cases like this one, where there were [244 articles], this fee can add up to become unduly burdensome”.

One important aspect that the court did not consider in its ruling is its impact on international law.

“It’s a little unfair to U.S. copyright holders,” says Bloom at Haynes Boone, “but it doesn’t violate the convention itself. Maybe it violates the spirit of the convention, for what that’s worth, but that’s not binding on the Supreme Court.”

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

Bloomberg Law:

Jason Bloom of Haynes Boone, who signed onto a brief by the International Trademark Association backing Fourth Estate, still thinks an application approach better for public policy, but of the justices added, “you can’t fault their conclusion.”

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