

Jason Bloom in Law360: Don't Delay Copyright Right to Sue

By Jason P. Bloom | September 11, 2017

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Law360 recently examined “three of the biggest open questions” in copyright law, including “When Is a Work ‘Registered’ Enough to Sue?” — and consulted Haynes Boone Partner [Jason Bloom](#) for an answer.

The Copyright Act is clear that a work must be “registered” before an owner can head to court to sue for infringement, but a major circuit split has quietly developed over the years regarding when exactly that requirement is met, [Law360 reported](#).

Several appellate courts, such as the 5th and 9th U.S. Circuit Courts of Appeals, have said a copyright owner can sue as soon as it files registration paperwork with the U.S. Copyright Office. Others, like the 3rd, 7th, 10th and 11th, have said an owner can't file suit until the office actually registers the work, which can take many months if the owner doesn't pay a significant fee for expedited handling, *Law360* wrote. ... The registration-application split has major practical implications for practicing copyright attorneys and their clients, particularly those like photographers who might not register many of their works immediately.

“It takes the Copyright Office nine to 16 months to issue a registration certificate, and they do so about 98 percent of the time,” said Jason Bloom, a partner at Haynes Boone. “It makes little sense to require parties who have not yet registered their works to wait that long before they can file an infringement suit.”

Excerpted from *Law360*. To read the full article, click [here](#).