
Kluwer Copyright Blog

Copyright case: Foss v. Marvic Inc., USA

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Monday, August 23rd, 2021

A builder of sunrooms allegedly adapted the brochure for online use without permission, but the designer's application with the Copyright Office was still pending when she filed suit.

A graphic designer's copyright infringement claim against a builder of sunroom additions—which allegedly modified and used online a print brochure that she had designed for the builder—was properly dismissed by a district court because the designer had not obtained a copyright registration for the brochure when she filed suit. Although the application to register the copyright was pending at that time, the Copyright Office had not issued it, and the Supreme Court had made it clear that registration occurs when the Office registers a copyright, not when the copyright owner files its application. State-law contract and tort claims regarding the builder's alleged conversion and improper use of the designer's work failed due to admissions the designer was deemed to have made and that ruled out any possibility that she could succeed on them (*Foss v. Marvic Inc.*, April 12, 2021, Lynch, S.).

Case date: 12 April 2021

Case number: No. 20-1008

Court: United States Court of Appeals, First Circuit

A full summary of this case has been published on [Kluwer IP Law](#).

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