

# 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](#).

---

*To make sure you do not miss out on regular updates from the Kluwer Copyright Blog, please subscribe [here](#).*

## Kluwer IP Law

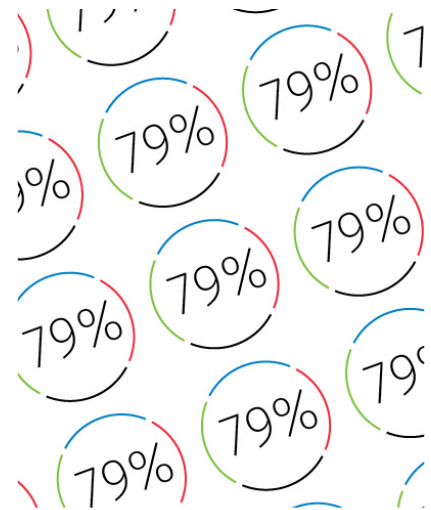
The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how **Kluwer IP Law** can support you.

79% of the lawyers think that the importance of legal technology will increase for next year.

**Drive change with Kluwer IP Law.**

The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT  
The Wolters Kluwer Future Ready Lawyer  
Leading change

This entry was posted on Monday, August 23rd, 2021 at 5:01 pm and is filed under [Case Law](#), [Infringement](#), [USA](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can leave a response, or [trackback](#) from your own site.