

# Kluwer Copyright Blog

## Copyright case: Unicolors, Inc., Petitioner v. H&M Hennes & Mauritz, L.P., USA

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Monday, August 1st, 2022

Three dissenters would have dismissed the case as improvidently granted because the petitioner appeared to address different issues in its brief from its petition for review.

An inaccuracy in a copyright registration application that results from a mistake—whether of fact or of law; that is, lack of factual or legal knowledge of the inaccuracy on the part of the applicant—will not render the registration invalid, a divided Supreme Court has held in an opinion authored by Justice Breyer. Because Section 411 of the Copyright Act makes registration of a copyright a prerequisite to bringing an infringement suit, works that are the subject of registrations invalidated due to inaccuracies in filings could not be enforced in court. This decision essentially makes it easier for rightsholders to go forward with IP enforcement actions. Justice Thomas, joined by Justices Alito and Gorsuch, dissented, stating that he would have dismissed the writ of certiorari as improvidently granted (*Unicolors, Inc., Petitioner v. H&M Hennes & Mauritz, L.P.*, February 24, 2022, Breyer, S.).

Case date: 24 February 2022

Case number: No. 20-915

Court: Supreme Court of the United States

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

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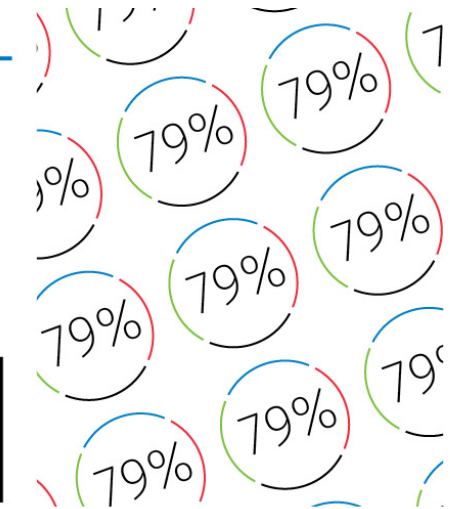
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