



inadvertent legal errors cannot undo copyright registrations

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On February 24, 2022, the U.S. Supreme Court issued *Unicolors, Inc. v. H&M Hennes & Mauritz, L.P.*, 595 U.S. ___ (2022), holding that where a copyright holder lacks either factual or legal knowledge as to an inaccuracy in a copyright application (and registration certificate), the Copyright Act's safe harbor provision excuses such inadvertent error.

A valid copyright registration carries significant advantages for a copyright holder, one of which is the right to bring an infringement action for the copyrighted work. 17 U.S.C. § 411(a). The Copyright Act, 17 U.S.C. § 411(b)(1)(A), provides that a certificate of registration is valid, even though it contains inaccurate information, as long as the copyright holder lacked "knowledge that [the information] was inaccurate." The key issue in *Unicolors* was whether the phrase "with knowledge that it was inaccurate" under section 411(b)(1)(A) distinguishes between a mistake of law and a mistake of fact such that an inadvertent factual error would excuse an inaccuracy in a copyright registration, but an inadvertent legal error would not...

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