

The Supreme Court - February 24, 2022

by Ian Blodger

Today, the Supreme Court of the United States issued the following decision:

Unicolors, Inc. v. H&M Hennes & Mauritz, L.P., Case No. 20-915: This case involves interpretation of the safe harbor provision of the Copyright Act, 17 U.S.C. § 411(a). After a jury found that H&M Hennes & Mauritz (“H&M”) violated copyrights for fabric designs owned by Unicolors, Inc., H&M sought a determination that those copyrights were invalid because Unicolors included inaccurate information on its registration application, rendering the registration invalid. The District Court rejected that argument, concluding that Unicolors did not know about the inaccuracy at the time, so Section 411(b)’s safe harbor provision protected its copyright. The Ninth Circuit reversed, reasoning that the safe harbor excused only good-faith mistakes of fact, not law—and Unicolors had known the relevant facts. The Supreme Court, in a 6-3 decision authored by Justice Breyer, held that Section 411(b) does not distinguish between a mistake of law and a mistake of fact; lack of either factual or legal knowledge can excuse an inaccuracy in a copyright registration under Section 411(b)’s safe harbor. Justice Thomas dissented, joined by Justices Alito and Gorsuch.

View the Court's [decision](#).

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