

No. 17-571

In the Supreme Court of the United States

FOURTH ESTATE PUBLIC BENEFIT CORPORATION,
PETITIONER

v.

WALL-STREET.COM, LLC, ET AL.

*ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT*

BRIEF FOR THE RESPONDENTS

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QUESTION PRESENTED

Section 411(a) of the Copyright Act limits the circumstances under which a copyright owner may initiate an infringement action. In particular:

[N]o civil action for infringement of the copyright in any United States work shall be instituted until pre-registration or registration of the copyright claim has been made in accordance with this title. In any case, however, where the deposit, application, and fee required for registration have been delivered to the Copyright Office in proper form and registration has been refused, the applicant is entitled to institute a civil action for infringement if notice thereof, with a copy of the complaint, is served on the Register of Copyrights. 17 U.S.C. 411(a).

In this case, petitioner sued respondents after petitioner applied for registration of its copyright claim but before the Copyright Office “regist[ered]” the claim or “refused” registration. The question presented is:

Whether a copyright-infringement suit may be “instituted” before “registration of the copyright claim has been made” or “refused” by the Copyright Office.

(I)

II

RULE 29.6 STATEMENT

Pursuant to this Court's Rule 29.6, respondent Wall-Street.com, LLC certifies that it has no parent company and that no publicly held company owns 10% or more of its stock.

III

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