No. 20-915

IN THE

Supreme Court of the United States

UNICOLORS, INC.,

Petitioner,

v.

H&M HENNES & MAURITZ, L.P.,

Respondent.

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

BRIEF FOR PETITIONER

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QUESTION PRESENTED

Section 411(a) of the Copyright Act requires a copyright holder to apply for and obtain a copyright registration before initiating an infringement lawsuit. Such applications often contain inaccuracies. But § 411(b)(1) provides that "inaccurate information" is not a basis for challenging a registration's validity unless the inaccuracy "was included … with knowledge that it was inaccurate" and "would have caused the Register of Copyrights to refuse registration."
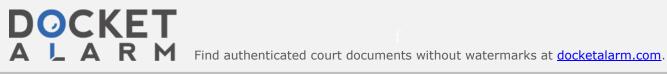
The question presented is whether that "knowledge" element precludes a challenge to a registration where the inaccuracy resulted from the applicant's good-faith misunderstanding of a principle of copyright law?

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