

## SCOTUS Unanimously Holds Copyright Owners Must Obtain Registration Before Filing Suit

The Supreme Court has finally resolved the application v. registration debate by holding the Copyright Act obligates an owner to obtain a registration for their work before filing an infringement action.

As reported here, *Fourth Estate Public Benefit Corp. v. Wall-Street.com* thrust the Eleventh Circuit into a dispute that has split numerous Circuits: whether the mere filing of an application satisfies the mandate in Section 411 of the Copyright Act that “no civil action for infringement of the copyright in any United States work shall be instituted until preregistration or registration of the copyright claim has been made...” Relying upon the plain language of the statute, the Eleventh Circuit sided with the registration camp by affirming a district court’s dismissal of a suit that failed to plead whether the copyright owner had actually obtained a registration from the Copyright Office.

Enter Justice Ginsburg for the unanimous Supreme Court. In a succinct opinion dissecting each of Section 411’s three sentences, the Court reasoned that the requirement to actually obtain a copyright registration before bringing an action is the only “satisfactory reading” of the statute. Endorsing the registration approach, the Court likened copyright registration to an “administrative exhaustion” requirement that copyright owners must satisfy before commencing litigation, ending the Circuit split once and for all.