

A Stitch in Time: Untangling H&M V Unicolors

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Lisa Ferrari spoke with *World Intellectual Property Review* about a dispute from five years ago over a geometric design pattern that wove a tapestry of misaligned judgments throughout the U.S. courts, even prompting an intervention by the U.S. government. But in February, the U.S. Supreme Court bound up the case, handing down a fractured ruling against Hennes & Mauritz (H&M) over the fast-fashion company's use of a sweater pattern. The court issued the 6-3 decision in favor of designer Unicolors, deciding that a lack of knowledge of either fact or law can excuse an inaccuracy in a copyright registration. Lisa welcomed the judgment as a boon for content creators and copyright applicants who have a good-faith misunderstanding of copyright law, and plaintiffs in copyright infringement suits. On the losing side may be accused infringers who were hoping to invalidate a copyright registration asserted against them by exploiting errors in the registration, she explained. "While the accused infringer, H&M, tried to apply the old adage that 'ignorance of the law is no excuse', the Supreme Court said that it actually might be, at least with respect to a civil case concerning a safe harbor from ignorance of certain legal requirements."

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