

IN THE SUPREME COURT OF THE UNITED STATES

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No. 20-915

UNICOLORS, INC., PETITIONER

v.

H&M HENNES & MAURITZ, L.P.

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

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MOTION OF THE UNITED STATES FOR LEAVE TO PARTICIPATE  
IN ORAL ARGUMENT AS AMICUS CURIAE, FOR DIVIDED ARGUMENT,  
AND FOR ENLARGEMENT OF TIME FOR ARGUMENT

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Pursuant to Rule 28 of the Rules of this Court, the Acting Solicitor General, on behalf of the United States, respectfully moves that the United States be granted leave to participate in the oral argument in this case as an amicus curiae supporting petitioner; that the time allotted for oral argument be enlarged to 65 minutes; and that the United States be allowed 15 minutes of argument time. Petitioner has consented to this motion and agreed to cede ten minutes of its argument time to the United States. Respondent takes no position on the United States' request to enlarge argument time.

This case concerns the Copyright Act's provisions specifying that a certificate of copyright registration -- which a copyright holder must have in order to bring an infringement action -- is valid even if it contains inaccurate information, unless such information "was included on the application for copyright registration with knowledge that it was inaccurate," and the inaccuracy, "if known, would have caused the Register of Copyrights to refuse registration." 17 U.S.C. 411(b)(1). The statute requires courts applying this provision to "request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration." 17 U.S.C. 411(b)(2). The United States has a substantial interest in this Court's interpretation of these provisions. The Copyright Office is responsible for determining whether an application for a certificate of registration satisfies the Copyright Act's requirements, 17 U.S.C. 410(a), as well as responding to judicial inquiries under Section 411(b)(2).

The United States has previously presented oral argument as amicus curiae in cases concerning the Copyright Act's registration provisions. See Fourth Estate Public Benefit Corp. v. Wall-Street.com, LLC, 139 S. Ct. 881, 892 (2019); Reed Elsevier, Inc. v. Muchnick, 559 U.S. 154, 157 (2010). In light of the substantial federal interest in the question presented, the United States' participation at oral argument would materially assist the Court in its consideration of this case.

Respectfully submitted.

BRIAN H. FLETCHER  
Acting Solicitor General  
Counsel of Record

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