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News & Insights

IP Attorney Randy McCarthy for IP Watchdog -SCOTUS Summarily Affirms Fifth Circuit Judgment on Worldwide Copyright Reversion

October 21, 2026

IP Watchdog

https://ipwatchdog.com/2026/10/21/scotus-summarily-affirms-fifth-circuit-judgment-on-worldwide-copyright-reversion/

Commenting on the case yesterday, Randy McCarthy of Hall Estill said the procedural, rather than substantive, decision means "the Fifth Circuit's ruling now governs Texas, Louisiana, and Mississippi, but the major entertainment jurisdictions in the Second Circuit (New York), Ninth Circuit (California) and Sixth Circuit (Tennessee) continue applying the older, domestic only rule. Until another circuit weighs in, the law will remain split."

McCarthy added the decision could thus lead to parties attempting to designate particular jurisdictions "in an effort to circumvent this holding" but that "it is unclear whether such clauses can override federal termination rights."

"Until another circuit rules differently, the nationwide landscape will remain unsettled," McCarthy said.

Attorneys

- Randall K. McCarthy

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