

No. 16-771

IN THE
Supreme Court of the United States

CAPITOL RECORDS, LLC, CAROLINE RECORDS, INC.,
VIRGIN RECORDS AMERICA, INC., EMI BLACKWOOD
MUSIC, INC., COLGEMS-EMI MUSIC, INC., EMI VIRGIN
SONGS, INC., EMI GOLD HORIZON MUSIC CORP., EMI
UNART CATALOG, INC., STONE DIAMOND MUSIC
CORPORATION, EMI U CATALOG, INC.,
JOBETE MUSIC CO., INC., *Petitioners*,

v.

VIMEO LLC, CONNECTED VENTURES, LLC,
DOES, 1-20 INCLUSIVE, *Respondents*.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Second Circuit

**BRIEF OF THE RECORDING INDUSTRY
ASSOCIATION OF AMERICA, INC., THE
AMERICAN ASSOCIATION OF INDEPENDENT
MUSIC, INC., AND CONCORD MUSIC GROUP,
INC., AS *AMICI CURIAE*
IN SUPPORT OF PETITIONERS**

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QUESTION PRESENTED

Section 301(c) of the Copyright Act states that “[w]ith respect to sound recordings fixed before February 15, 1972, any rights or remedies under the common law or statutes of any State shall not be annulled or limited [by the Copyright Act] until February 15, 2067.”

The question presented is whether the Second Circuit erred in holding, contrary to the considered view of the United States Copyright Office and in conflict with New York state appellate courts, that when Congress enacted the Digital Millennium Copyright Act and added section 512 to the Copyright Act, it *implicitly* limited and preempted the very state-law rights and remedies that section 301(c) says “shall not be annulled or limited.”

TABLE OF CONTENTS

QUESTION PRESENTEDi

TABLE OF AUTHORITIESiv

INTEREST OF THE *AMICI CURIAE* 1

INTRODUCTION AND SUMMARY OF
ARGUMENT..... 3

ARGUMENT..... 5

I. PRE-1972 SOUND RECORDINGS
REMAIN CULTURALLY AND
ECONOMICALLY SIGNIFICANT AND
THEIR STATE-LAW PROTECTIONS
SHOULD NOT BE UNDERMINED BY AN
UNWARRANTED EXPANSION OF
FEDERAL LAW. 5

II. THE IRRECONCILABLE SPLIT
BETWEEN THE SECOND CIRCUIT AND
THE STATE COURTS OF NEW YORK
WILL HAVE A DESTRUCTIVE IMPACT
ON THE MUSIC INDUSTRY..... 8

A. The Decision Below Creates A Direct
Conflict Between The Second Circuit On
The One Hand, And The New York State
Courts And The U.S. Copyright Office, On
The Other. 8

B. The Split Is Particularly Harmful Given The Importance Of Pre-1972 Sound Recordings To New York’s Music Industry.....	11
III. THE DECISION BELOW UPENDS EXISTING COPYRIGHT LAW.	13
A. The Second Circuit’s Decision Upends The Long And Well-Established History Of Federalism And Dual, Non-Overlapping Federal And State Protection For Works Of Authorship.	14
B. The Second Circuit’s Decision Creates Significant Uncertainty With Respect To The Applicability Of Other Provisions Of The Copyright Act To Pre-1972 Sound Recordings.	17
CONCLUSION	20

TABLE OF AUTHORITIES

CASES

<i>Goldstein v. California</i> , 412 U.S. 546 (1973).....	15
<i>Holmes v. Hurst</i> , 174 U.S. 82 (1899)	14
<i>UMG Recordings, Inc. v. Escape Media Group, Inc.</i> , 107 A.D.3d 51 (1st Dep’t 2013).....	8, 9
<i>Victor Talking Machine Co. v. Armstrong</i> , 132 F. 711 (C.C.S.D.N.Y. 1904).....	15

CONSTITUTIONAL PROVISIONS AND STATUTES

U.S. Const. art. I, § 8, cl. 8.....	14
17 U.S.C. § 301(a).....	16
17 U.S.C. § 301(b).....	16
17 U.S.C. § 301(c)	3, 16
17 U.S.C. § 303(a).....	16
17 U.S.C. § 501(a).....	10
17 U.S.C. § 512(c)	3
Copyright Act of 1790, ch. 15, 1 Stat. 124.....	15
Sonny Bono Copyright Term Extension Act, Pub L. No. 105-298, § 102(a), 112 Stat. 2827, 2827 (1998)	16
Sound Recording Amendment of 1971, Pub. L. No. 92-140, § 3, 85 Stat. 391, 392.....	15

LEGISLATIVE MATERIALS

H.R. Rep. No. 94-1476 (1976), <i>as reprinted in</i> 1976 U.S.C.C.A.N. 5679	15
--	----

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