

No. 16-771

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IN THE  
*Supreme Court of the United States*

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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*.

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

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**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.”

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