

No. 16-

IN THE
Supreme Court of the United States

CAPITOL RECORDS, LLC, CAROLINE RECORDS, INC., VIRGIN RECORDS AMERICA, INC., EMI BLACKWOOD MUSIC, INC., EMI APRIL MUSIC, INC., EMI VIRGIN 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**

PETITION FOR A WRIT OF CERTIORARI

RUSSELL J. FRACKMAN
MARC E. MAYER
MITCHELL SILBERBERG &
KNUPP LLP
11377 West Olympic
Boulevard
Los Angeles, CA 90064
(310) 312-2000

CARTER G. PHILLIPS *
KWAKU A. AKOWUAH
REBECCA S. LEVENSON
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8000
cphillips@sidley.com

CONSTANTINE L. TRELA, JR.
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
(312) 853-7000

Counsel for Petitioners

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* Counsel of Record

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.”

(i)

PARTIES TO THE PROCEEDINGS

The petitioners herein, plaintiffs/appellees-cross-appellants below, are Capitol Records, LLC, Caroline Records, Inc., Virgin Records America, Inc., EMI Blackwood Music, Inc., EMI April Music, Inc., EMI Virgin 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., and Jobete Music Co., Inc.

The respondents herein, defendants/appellants-cross-appellees below, are Vimeo, LLC, Connected Ventures, LLC, and Does 1-20 inclusive.

**CORPORATE DISCLOSURE
PURSUANT TO RULE 29.6**

Petitioners Caroline Records, Inc. and Virgin Records America, Inc. have merged into Petitioner Capitol Records, LLC, a Delaware limited liability company. Capitol Records, LLC's parent companies include Virgin Records CM Holdings, Inc., a Delaware corporation; EMI RM US, Inc., a Delaware corporation; EMI Group Inc., a Delaware corporation; and Universal Music Group, Inc., a Delaware corporation. The ultimate parent of Capitol Records, LLC is Vivendi, S.A., a publicly traded French corporation.

Petitioners EMI Blackwood Music, Inc., EMI April Music, Inc., EMI Virgin Music, Inc., Colgems-EMI Music, Inc., EMI Virgin Songs, Inc., EMI Gold Horizon Music Corp., EMI U Catalog, Inc., EMI Unart Catalog Inc., Jobete Music Co., Inc., and Stone Diamond Music Corporation are all partially owned, indirect subsidiaries of Sony Corporation, a publicly-traded company organized under the laws of Japan. No publicly traded company other than Sony Corporation owns more than 10% of their stock.

TABLE OF CONTENTS

	Page
QUESTION PRESENTED	i
PARTIES TO THE PROCEEDINGS	ii
CORPORATE DISCLOSURE PURSUANT TO RULE 29.6	iii
TABLE OF AUTHORITIES	vii
OPINIONS BELOW	1
JURISDICTION	1
STATUTORY PROVISIONS INVOLVED	2
INTRODUCTION	2
STATEMENT OF THE CASE.....	6
REASONS FOR GRANTING THE PETITION...	17
I. THE DECISION BELOW CREATES A DIRECT AND INTOLERABLE SPLIT BETWEEN THE SECOND CIRCUIT AND THE STATE COURTS OF NEW YORK	17
II. THE QUESTION PRESENTED IS CRITI- CALLY IMPORTANT TO THE MUSIC INDUSTRY AND TO HOLDERS OF RIGHTS IN PRE-1972 SOUND RECORD- INGS	20
III. THE SECOND CIRCUIT'S CONCLUSION IS PLAINLY INCORRECT AND CON- FLICTS IN SEVERAL RESPECTS WITH DECISIONS OF THIS COURT	23
A. The Second Circuit's Construction Of Section 301(c) Is Untenable.....	24
B. The Second Circuit's Construction Of Section 512 Is Untenable.....	27

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