

No. 18-1150

**In The
Supreme Court of the United States**

—◆—
GEORGIA, ET AL.,

Petitioners,

v.

PUBLIC.RESOURCE.ORG, INC.,

Respondent.

—◆—
**On Writ Of Certiorari To The
United States Court Of Appeals
For The Eleventh Circuit**

—◆—
**BRIEF OF PROFESSORS SHYAMKRISHNA
BALGANESH AND PETER S. MENELL AS
AMICI CURIAE IN SUPPORT OF RESPONDENT**

—◆—
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TABLE OF CONTENTS

	Page
INTEREST OF <i>AMICI CURIAE</i>	1
SUMMARY OF ARGUMENT	1
ARGUMENT	3
I. THE “EDICTS OF GOVERNMENT” DOCTRINE IS FIRMLY ROOTED IN FUNDAMENTAL COPYRIGHT PRINCIPLES	3
A. The Official Announcement of Law Is Not Copyrightable Authorship	3
B. Legal Texts Are Methods of Operation that Constrain Expressive Choice and Are Ineligible for Copyright	6
C. Authentic Statements of Law Entail the Merger of Idea and Expression	9
II. THE OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) IS AN UNCOPY- RIGHTABLE EDICT OF GOVERNMENT....	11
A. An Edict of Government Does Not Need to Have the Force of Law	12
B. Annotations Produced under the Osten- sible Authority of the State Qualify as Edicts of Government	19
CONCLUSION	24

TABLE OF AUTHORITIES

	Page
CASES	
<i>Baker v. Selden</i> , 101 U.S. 99 (1880).....	6
<i>Banks v. Manchester</i> , 128 U.S. 244 (1888)	<i>passim</i>
<i>Bleistein v. Donaldson Lithographing Co.</i> , 188 U.S. 239 (1903)	4
<i>Burrow-Giles Lithographic Co. v. Sarony</i> , 111 U.S. 53 (1884)	3, 4
<i>Callaghan v. Myers</i> , 128 U.S. 617 (1888).....	<i>passim</i>
<i>Computer Assocs. Int’l, Inc. v. Altai, Inc.</i> , 982 F. 2d 693 (2d Cir. 1992)	7
<i>Herbert Rosenthal Jewelry Corp. v. Kalpakian</i> , 446 F. 2d 738 (9th Cir. 1971).....	9
<i>Howell v. Miller</i> , 91 F. 129 (6th Cir. 1898).....	22, 23
<i>Little v. Gould</i> , 15 F. Cas. 604 (C.C.N.D.N.Y. 1851)	17, 18
<i>Lotus Dev. Corp. v. Borland Int’l, Inc.</i> , 49 F. 3d 807 (1st Cir. 1995)	6, 7
<i>Morrissey v. Procter & Gamble Company</i> , 379 F. 2d 675 (1st Cir. 1967)	9
<i>Nash v. Lathrop</i> , 6 N.E. 559 (Mass. 1886).....	15, 16
<i>Sega Enterps. Ltd. v. Accolade, Inc.</i> , 977 F. 2d 1510 (9th Cir. 1992).....	7
<i>Urantia Foundation v. Maaherra</i> , 114 F. 3d 955 (9th Cir. 1997).....	4
<i>Wheaton v. Peters</i> , 33 U.S. 591 (1834).....	1, 3, 12

TABLE OF AUTHORITIES—Continued

	Page
CONSTITUTIONAL PROVISIONS	
U.S. CONST., Art. I, § 8, Cl. 8	3
STATUTES	
Copyright Act	4, 7, 10
O.C.G.A. § 1-1-1	11, 12, 19
O.C.G.A. § 1-1-7	11
17 U.S.C. § 102(a)	3
17 U.S.C. § 102(b)	6
17 U.S.C. § 505	8
17 U.S.C. § 507	10
RULES	
Sup. Ct. R. 37.6	1
OTHER AUTHORITIES	
2 HOWELL'S ANNOTATED STATUTES OF MICHIGAN iv (1883)	23
Hector T. Fenton, <i>Mr. Justice Blatchford. In Me-</i> <i>moriam</i> , 41 Am. L. Reg. 882 (1893)	16

INTEREST OF *AMICI CURIAE*¹

The authors of this brief are law professors at the University of Pennsylvania and the University of California who study and teach intellectual property law. Their research explores the interaction between statutory law and judge-made law in the evolution of U.S. copyright law.

SUMMARY OF ARGUMENT

The “edicts of government” doctrine was first validated by this Court in a series of nineteenth century cases. *Wheaton v. Peters*, 33 U.S. (8 Pet.) 591 (1834); *Banks v. Manchester*, 128 U.S. 244 (1888); *Callaghan v. Meyers*, 128 U.S. 617 (1888). While the doctrine has never been directly recognized in the express wording of the copyright statute, it is nevertheless firmly rooted in foundational copyright principles that are themselves reflected in the text of the statute.

Three foundational copyright principles buttress the doctrine. *First*, copyrightable authorship does not extend to official announcements of law, the hallmark of edicts of government. Authorship as understood in this Court’s jurisprudence requires personalization, an

¹ Pursuant to Sup. Ct. R. 37.6, *amici* note that no counsel for a party authored this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than *amici curiae* made a monetary contribution to its preparation or submission. Petitioner and Respondents have consented to the filing of this brief.



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