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

PETER S. MENELL
Koret Professor of Law
Counsel of Record
UNIV. OF CALIFORNIA,
BERKELEY SCHOOL OF LAW
225 Bancroft Way
Berkeley, CA 94720-7200
(510) 642-5489
pmenell@law.berkeley.edu

COCKLE LEGAL BRIEFS (800) 225-6964
WWW.COCKLELEGALBRIEFS.COM

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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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