No.

IN THE

Supreme Court of the United States

ML GENIUS HOLDINGS LLC,

Petitioner,

v.

GOOGLE LLC, LYRICFIND,

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

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QUESTION PRESENTED

Like countless internet businesses, Genius—an online platform for transcribing and annotating song lyrics—insists that visitors agree to its contractual terms as a condition for availing themselves of the benefit of its services. These terms include the promise not to reproduce the contents of Genius's platform. Google contractually bound itself to those terms, but, in blatant breach of that contract, Google stole Genius's labors for its own competing commercial purposes. The Court of Appeals held that the Copyright Act preempts Genius's breach-of-contract claim, under a provision that applies only to claims that are "equivalent to … exclusive rights within the general scope of copyright," 17 U.S.C. § 301(a). At least five circuits disagree with this ruling and only one other circuit agrees.

The question presented is:

Does the Copyright Act's preemption clause allow a business to invoke traditional state-law contract remedies to enforce a promise not to copy and use its content?

CORPORATE DISCLOSURE STATEMENT

Petitioner ML Genius Holdings LLC states that it
is a wholly owned subsidiary of MediaLab.AI, Inc.

RELATED PROCEEDINGS

ML Genius Holdings LLC v. Google LLC, No. 20-3113 (2d. Cir. judgment entered March 31, 2022)

Genius Media Group, Inc. v. Google LLC & LyricFind, No. 1:19-cv-07279 (E.D.N.Y. judgment entered August 13, 2020)

Genius Media Group, Inc. v. Google LLC & LyricFind, No. 526241/2019 (N.Y. Sup. Ct.)

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