

Attorneys React to High Court's Copyright Ban for Annotated State Laws

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Erik Paul Belt

The U.S. Supreme Court has held that the annotations contained in Georgia's legal codes are ineligible for copyright protection, and attorneys say the decision could have unintended consequences.

In a 5-4 decision, the justices on April 27 said the ruling was based on the principle that government edicts are not restricted by a private property right because "no one can own the law."

McCarter & English partner Erik Paul Belt said the decision might affect the role of legal publishers such as Westlaw that contract with states to publish state statutes.

"They may need to negotiate new contracts that ... give them the sole responsibility to author the annotations of state laws such that they, and not the state Legislatures, are the 'authors' of the annotations," he said.