
***Georgia v. Public.Resource.Org*, No. 18-1150**

Introduction: Today, the Supreme Court held 5-4 that Georgia cannot copyright the annotations in its official state code under the “government edicts” doctrine.

Background: Every year, the Georgia Code Revision Commission assembles the State’s code, the official compilation of Georgia’s laws. The Commission hires LexisNexis, a private company, to prepare annotations, such as case summaries, that are included in the official code. Under the Commission’s agreement with LexisNexis, the State owns any copyright in the annotations. Public.Resource.Org published full copies of the official code online, including the annotations. The State sued Public.Resource.Org for copyright infringement.

Issue: Whether Georgia can obtain copyright protection for the annotations to its official state code.

Court’s Holding: In an opinion written by Chief Justice Roberts, and joined by Justices Sotomayor, Kagan, Gorsuch, and Kavanaugh, the Supreme Court held that the annotations are not eligible for copyright protection. The Court explained that under the “government edicts” doctrine, works by judges and legislators in their official capacities are not copyrightable because “no one can own the law.” The Court held that the doctrine applies to the annotations because the Code Revision Commission functions as an arm of the Georgia legislature and it commissioned the annotations as part of its legislative duties.

Justice Thomas authored a dissent, in which Justice Alito joined in full and Justice Breyer joined in part, arguing that the government edicts doctrine should not apply to the annotations because the annotations lack the force of law. Justice Ginsburg also authored a dissent, in which Justice Breyer joined, arguing that the Code Revision Commission did not create the annotations as part of the legislature’s lawmaking process because it generates the annotations only after the legislature enacts the laws.