
Kluwer Copyright Blog

Copyright case: Georgia v. Public.Resource.Org Inc., USA

Cheryl Beise (Wolters Kluwer Legal & Regulatory US) · Friday, April 9th, 2021

Finding that the government edicts doctrine covers legislative works, Court holds that Georgia's annotations are inherently public domain material because they are authored by an arm of the legislature in the course of its official duties.

In a 5-4 decision, the U.S. Supreme Court has held that the annotations in the Official Code of Georgia Annotated (OGCA) are ineligible for copyright protection. The Court first clarified that the judicially created government edicts doctrine—which provides that works authored by judges are public domain materials that cannot be copyrighted—extends to works created by legislators acting in their legislative capacity. The Court next determined that while the copyrighted annotations in the OGCA are created by a private party on a work-for-hire basis, the actual “author” of the annotations is Georgia’s Code Revision Commission, acting “as an extension of the Georgia Legislature in preparing and publishing the annotations.” Chief Justice Roberts delivered the opinion of the Court. Justices Sotomayor, Kagan, Gorsuch, and Kavanaugh joined in the majority opinion, while Justice Thomas and Justice Ginsburg filed dissenting opinions (*Georgia v. Public.Resource.Org, Inc.*, April 27, 2020, Roberts, J.).

Case date: 27 April 2020

Case number: Dkt. No. 18-1150

Court: Supreme Court of the United States

A full summary of this case has been published on [Kluwer IP Law](#).

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