

**GOOGLE LLC V. ORACLE AMERICAN:
US SUPREME COURT DECLARED
GOOGLR CODE COPYING FAIR.**

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A decade-long battle over copied code in Google's Android operating system has ended in the US Supreme Court.

In a landmark decision on April 5, the US Supreme Court has ruled that Google did not violate the copyright of software giant Oracle when it used, what are known as Application Programming Interfaces or APIs, of the Java programming language in its Android operating system.

WHAT HAPPENED?

Oracle controls software programming technologies called Java that are a building block for many apps and digital services. Google used a relatively small chunk of Java computer code in its Android operating system, and that made it easier for software experts to make smartphone apps.

Oracle had sued Google in 2010 for copyright infringement over what it said was copied computer code.

Android is now used in an estimated 70% of global smartphones, and damages could have run into the billions.

In the [Google v. Oracle America](#) case, Google said it was standard practice to copy what are called application programming interfaces, or APIs, a set of instructions to make sure that technologies from different companies can work together. Oracle said that Google stole its software and demanded billions of dollars. Each company said it was trying to save the tech industry from ruin.

But the Supreme Court let Google off the hook, overturning a lower court's decision it had infringed copyright.

The court ruled six to two in favour of Google.

At issue was whether Google's use of Oracle's Java API - a widely-used "building block" for programmers - counted as "fair use" under US copyright law.

If it was, the fact that Google was accused of copying more than 11,000 lines of code would not matter.

Justice Stephen Breyer, in his written opinion, said that "to allow enforcement of Oracle's copyright here would risk harm to the public".

So many programmers used and had deep knowledge of Oracle's building blocks that such a move would turn computer code into "a lock limiting the future creativity of new programs".

"Oracle alone would hold the key," he warned.

ORACLE'S VIEW ON THE DECISION

'A monopolist'

Oracle made clear that it firmly disagreed with the court's judgement, saying that it had increased Google's power further and damaged other companies' ability to compete.

"They stole Java and spent a decade litigating as only a monopolist can," said Dorian Daley, the company's general counsel, in a statement.

"This behaviour is exactly why regulatory authorities around the world and in the United States are examining Google's business practices."

GOOGLE'S VIEW

Google, meanwhile, painted the decision as a *victory for the software industry* as a whole.

"Today's Supreme Court decision in Google v Oracle is a big win for innovation, interoperability and computing," wrote Ken Walker, the company's senior vice president for global affairs.

'Eviscerates copyright'

The majority of judges agreed that Google's copying of the Java code - in the particular way it was used - was "a fair use of that material".

But the judges disagreed on how to apply traditional copyright law to computer code.

Justice Breyer, writing for the majority, acknowledged that it is "difficult to apply traditional copyright concepts in that technological world".

But in a dissenting opinion, Justice Clarence Thomas wrote that allowing fair use simply because it allows new products to be created effectively redefines the idea.

"That new definition eviscerates copyright," he warned.

He also lamented that the majority had decided not to rule on whether code was copyrightable, instead saving the question for another day and relying on fair use instead.

"The majority cannot square its fundamentally flawed fair-use analysis with a finding that declaring code is copyrightable," he wrote of his peers.

The Supreme Court has now affirmed Google's use of that practice in the highest court in the land, in a ruling that could help "the software industry to continue to grow and not get stuck in obsolete programs or standards," she continues. "So the ruling today is a huge victory for computer programmers and users, which is just about everyone these days."