

SUPREME COURT OF THE UNITED STATES

Goldstein v. California

412 U.S. 546 (1973) · No. No. 71-1192 · Decided June 18, 1973

SUMMARY

The U.S. Supreme Court reviewed the constitutionality of California Penal Code § 653h, which criminalized unauthorized duplication and sale of sound recordings. The Court held that the Copyright Clause did not exclusively reserve copyright protection to the Federal Government and that California had not relinquished its authority to protect recordings under state law. The Court also rejected the argument that the state statute was preempted by federal copyright law as it existed before Congress extended federal protection to certain sound recordings.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Chief Justice Burger; Justice Douglas; Justice Brennan; Justice Stewart; Justice White; Justice Marshall; Justice Blackmun; Justice Powell; Justice Rehnquist
JURISDICTION	Federal
DECIDED	June 18, 1973
DOCKET	No. 71-1192
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioners sought Supreme Court review of their convictions under California Penal Code § 653h for unauthorized duplication and sale of sound recordings. The Court granted certiorari to review the validity of the California statute.
STANDARD OF REVIEW	Constitutional review of the validity and federal preemption of a state criminal statute; the Court independently examined the constitutional and statutory questions.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of the United States
PARTIES	Goldstein et al. v. California

TOPICS

copyright law

intellectual property

supremacy clause

federalism

preemption

PRACTICE AREAS

copyright

constitutional law

federal courts and federalism

QUESTIONS PRESENTED

1. Whether the Copyright Clause of the Constitution implicitly vested exclusive authority in Congress and therefore barred California from protecting sound recordings through state law.
2. Whether California Penal Code § 653h was unconstitutional because it created copyright protection of unlimited duration.
3. Whether § 653h was preempted by the federal copyright statutes or conflicted with federal copyright policy under the Supremacy Clause.
4. Whether the 1971 federal amendment extending copyright protection to sound recordings applied to recordings fixed before February 15, 1972.

HOLDINGS

1. The Copyright Clause did not relinquish all state power to grant copyright-like protection, and California retained authority to protect sound recordings that Congress had not brought within the federal copyright scheme.
2. California Penal Code § 653h was not invalid merely because the protection it provided for copied sound recordings was unlimited in duration.
3. Section 653h was not preempted by the federal copyright statutes as applied to sound recordings fixed before February 15, 1972.

KEY QUOTATIONS

"We therefore conclude that, under the Constitution, the States have not relinquished all power to grant to authors 'the exclusive Right to their respective Writings.'" (560)

"We conclude that the State of California has exercised a power which it retained under the Constitution, and that the challenged statute, as applied in this case, does not intrude into an area which Congress has, up to now, pre-empted." (571)

FACTUAL BACKGROUND

Between April 1970 and March 1971, petitioners purchased commercially sold recordings of musical performances, duplicated them onto tapes and cartridges, and sold the duplicates through retail outlets. They did so without permission from the owners of the master recordings and without compensating the performers, producers, technicians, or other personnel involved in creating the original recordings. The recordings at issue had been fixed before February 15, 1972.

PROCEDURAL HISTORY

California charged petitioners in 140 counts; after the motion to dismiss was denied, petitioners entered nolo contendere pleas to 10 counts and the remaining counts were dismissed. The Appellate Department of the California Superior Court sustained the statute, and petitioners exhausted other state appellate remedies before seeking Supreme Court review. The Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- *Sears, Roebuck & Co. v. Stiffel Co.*, 376 U.S. 225 (1964)
- *Compco Corp. v. Day-Brite Lighting*, 376 U.S. 234 (1964)
- *Cooley v. Board of Wardens*, 12 How. 299 (1852)
- *Gibbons v. Ogden*, 9 Wheat. 1 (1824)
- *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941)
- *Burrow-Giles Lithographic Co. v. Sarony*, 111 U.S. 53, 58 (1884)
- *Trade-Mark Cases*, 100 U.S. 82, 94 (1879)
- *White-Smith Music Publishing Co. v. Apollo Co.*, 209 U.S. 1 (1908)
- *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218 (1947)
- *International News Service v. Associated Press*, 248 U.S. 215 (1918)
- *Kendall v. Winsor*, 21 How. 322, 328 (1859)
- *Mitchell v. Tilghman*, 19 Wall. 287, 418 (1874)
- *Bauer v. O'Donnell*, 229 U.S. 1, 10 (1913)
- *Morgan v. Virginia*, 328 U.S. 373 (1946)
- *Bibb v. Navajo Freight Lines*, 359 U.S. 520 (1959)
- *Southern Pacific Co. v. Arizona*, 325 U.S. 761 (1945)
- *Pennsylvania v. West Virginia*, 262 U.S. 553 (1923)
- *Tape Industries Assn. of America v. Younger*, 316 F. Supp. 340 (C.D. Cal. 1970)
- *Fonotipia, Ltd. v. Bradley*, 171 F. 951 (E.D.N.Y. 1909)
- *Aeolian Co. v. Royal Music Roll Co.*, 196 F. 926 (W.D.N.Y. 1912)
- *Waring v. WDAS Broadcasting Station*, 327 Pa. 433, 194 A. 631 (1937)
- *Capitol Records, Inc. v. Mercury Records Corp.*, 221 F.2d 657 (2d Cir. 1955)
- *Jerome v. Twentieth Century Fox-Film Corp.*, 67 F. Supp. 736 (S.D.N.Y. 1946)