

GOOGLE LLC V. ORACLE AMERICA, INC

Gargi Choudhari*

INTRODUCTION

A decade-long legal dispute between Google and Oracle America¹ finally came to an appropriate and fair conclusion in April 2021. The case that began in 2010 involved a matter of copyrightability of open-source codes, which impacts the world and tech companies in a significant manner. After facing several trials, juries, and a multiplicity of legal interpretations over nearly a twelve-year long period, Google was found to be within lawful limits of the Copyright Act and the verdict was given in favour of Google, further relieving many techs and software companies as the accessibility to existing codes and the viability of their utilization was declared to not be held as copyright infringement. With the passage of time and tide, and with the digital economy grabbing a large share of implementation of intellectual property rights, this case will hold great gravity as it comments upon the loopholes and the complexity of copyright laws and subsequent infringement.

BACKGROUND AND FACTS

The case involves two giant companies in dispute over copyright concerns. Google is a technology company, while Oracle America, Inc is a computer software company. In 2005, Google acquired Android. To build a new software related to Android, Google copied approximately 11,500 lines of code from the Java SE program. This Java SE program was owned by Oracle America, Inc, which also owns a copyright of the program. The copied lines of code are part of an Application Programming Interface (API).² API is a system that enables programmers to use prewritten computing tasks for their own coding and software programs.³

In 2010, Oracle initiated the suit against Google asserting copyright and patenting infringement in the District Court for the Northern District of California, seeking US\$8.8 billion in damages

*THIRD YEAR, BA LLB, SAVITRIBAI PHULE PUNE UNIVERSITY, PUNE.

¹ Google LLC v Oracle America, Inc 593 U. S. ____ (2021)

² [18-956_d18f.pdf](#) Accessed 25.3.2022

³ Ibid

from Google's sales and licensing of the supposedly infringed versions of Android.⁴ Judge Also divided the issues of the case into three phases: copyright, patents, and damages.

During the first phase, it was found that Google had indeed infringed 37 copyrights of Java APIs. The main issue to be dealt with was whether such technologies were within fair use, i.e., an American legal doctrine that permits the use of copyrighted material without first having to acquire permission from the copyright holder.⁵ The courts were deadlocked on this aspect and the jury was split.⁶ The same jury, in the second phase i.e., in the patent phase, declared non-infringement on all patent-related claims of Oracle. The decision was thus ruled out in favour of Google. The damages phase therefore could not go ahead because of the rulings in both the copyright and patent phase.⁷ While two District Court-level jury trials were found in favour of Google, the Federal Circuit court reversed both decisions, asserting that APIs are copyrightable and Google's use does not fall under fair use.⁸

Aggrieved by the decision of the appeals court in Oracle's favour, Google filed a writ of certiorari before the Supreme Court of the United States of America. Google's paramount concerns revolved around the following two issues:

1. Whether a software interface like an API is copyrightable?
2. Whether Google's use of the Java API fell within the limits of fair use as found in the jury trials?

Journal of Legal Research and Juridical Sciences

As per the amicus brief filed by the Solicitor General, the Trump Government-backed Oracle and giant companies like Microsoft, Red Hat Inc, and over 150 academics and computer professionals, etc filed an amicus brief to support Google. The certiorari was rightfully granted to google. In 2020, the argumentation began and the court observers found that while the Justices seemed to side with Oracle on the copyright arguments, they also took deference to the arguments presented by Microsoft, who had taken Google's side on the case.⁹ The primary reason for other companies getting involved in the matter, with a stance against Oracle's

⁴ https://en.m.wikipedia.org/wiki/Google_LLC_v._Oracle_America,_Inc Accessed 24.3.2022

⁵ [Google LLC v. Oracle America, Inc: A summary - Relawding](#) Accessed 24.3.2022

⁶ Ibid

⁷ [Google LLC v. Oracle America, Inc: A summary - Relawding](#) Accessed 25.3.2022

⁸ https://en.m.wikipedia.org/wiki/Google_LLC_v._Oracle_America,_Inc Accessed 24.3.2022

⁹ Ibid

contentions was the fact that the decision in Oracle's favour would greatly harm the computer software industry as a whole.

In April 2021, the decision was ruled in Google's favour with a 6-2 majority of the jury. While determining the verdict, the following points were emphasised by the Judge:

1. Google's use fell within the category of "fair use." Google's usage satisfies all four criteria of fair use namely the nature of the copyrighted work, the purpose and character of the use, the amount and substantiality of the copyrighted material (it was held that Google only used 0.4% of Java Code), and the market effect of the copyright-taking.
2. Because Google used it fairly, there was no violation of copyright law. And because there was the absence of violation, the Judge concluded that there stood no valid question of copyrightability of API.¹⁰

ANALYSIS

This decade-long case constitutes many salient features that will hold a crucial position in copyright laws related to computer software. The issue will render crucial in many legal facets in the times to come.

1. Monopoly defeats the purpose of copyrights: While asserting the scope of copyright, the court also ascertained that while the purpose of copyright laws is to prohibit malpractices and defend the exclusive rights of the author, there cannot be the establishment of the monopoly of the author, which involves the risk of defeating the purpose of the public good. Courts are thus vested with powers to ensure that author's intellectual rights and the public good is balanced in an unequivocal way.

2. Emphasis on fair use and the difference between ideas and expression: Google's main contentions were laid down in a two-fold manner. Firstly, it was contended that as per section 17 U. S. C. §102(b) of the Copyrights Act, copyright protection does not extend to ideas, concepts or processes. Secondly, even with the enforceability of copyright protection given to the author, the holder cannot prevent a person from making a "fair use."

¹⁰ Ibid 8

3. Characteristics of the doctrine of fair use are essential considerations: The doctrine of fair use does not prescribe rigid circumcising limits, but in fact, is flexible in nature. Computer programs are not the same as other works protected under copyrights because the applicability of computer programs is mainly “functional.” This functional peculiarity makes the technology related copyrightability issue sensitive while serving the challenge of maintenance of originality within lawful boundaries and the rights accorded with it.

4. Transformative role is crucial to understanding what constitutes an infringement: The reasoning placed emphasis on the Campbell¹¹ case wherein it had been established that a very crucial element of the “purpose and character” test is consideration of the transformative nature of the allegedly copied subject matter. Google’s purpose was primarily transformative implying that the copied code lines were used with a distinctive further purpose. Google’s purpose was therefore consistent with that creative progress that is the basic constitutional objective of copyright itself.¹²

5. Substantiality test: Regarding the “amount and substantiality of the portion used” test it was found that Google had used only 0.4% of the API Coding lines. With such a small proportion of usage and on the account of the transformative goals of Google, the court held that the “substantiality” factor will generally weigh in favour of fair use where, as here, the amount of copying was tethered to a valid, and transformative, purpose.

6. Was the Court’s decision appropriate? The decision has the right mark when it comes to expediting technology innovation with parallelly solidifying intellectual property rights by giving due credit to the innovators of software. This is a landmark decision for it will help maintain the interoperability of technological tools, especially the open-source codes. Interoperability helps control and prohibit the possibility of absolute market monopoly and tremendously contributes to the integrity of public benefits as a whole. If the APIs were found to be copyrightable, that could have defeated the very purpose of copyrights and could have further blurred the line that distinguishes ideas from expressions in the context of intellectual property rights. The reasoning given by the court is consistent with existing laws and conforms to the intellectual property principles in general.

¹¹ Campbell, 510 U. S., at 579

¹² [18-956_d18f.pdf](#) Accessed 25.3.2022

However, it is important to note that Google satisfied every test of the four factors of fair use and so the copying and usage were rendered to be justifiable. The transformative nature and the small proportion were two key factors that helped Google avoid infringement damages, but that may not always be the case. Borrowing and copying existing open-source codes could still count as copyright infringement if there exists gross deliberate violation of any of the four factors. Therefore, it can be said that this judgement does not provide blanket immunity to copying but instead prescribes freedom within certain lawful limits.

There is a lacuna that might prove to be disadvantageous in the tech economy. Just like Google, other companies with great resources might copy coding lines from several different systems to develop a novice product of their own. In such cases, the Google v. Oracle precedent would work against the original writers of codes, because of their inability to file suit for infringement damages. This will expose companies to the risk of violation of their copyrights combined with no reasonable ground to call it an infringement because this case suggests otherwise.

CONCLUSION

The Google v. Oracle battle has played a noteworthy role in cementing the very purpose of copyright laws. With a significant matter coming to an end that resulted upon reasonable grounds and logical consistency, the world has witnessed the degree of cruciality of the role that intellectual property laws play in today's epoch. This decision will contribute to accelerating the awareness of copyrights and subsequent rights.

