

Intellectual property

US Supreme Court rules for Google in \$9bn battle with Oracle

High-stakes decision over Android code strengthens 'fair use' protections covering APIs



Oracle reacted to the ruling by saying 'the Google platform just got bigger and market power greater'

Richard Waters in San Francisco 44 MINUTES AGO

The US Supreme Court has handed Google victory in a landmark case for the technology industry, ruling that it did not break the law when it copied software interfaces owned by Oracle for use in its Android smartphone operating system.

The decision ends a [legal battle](#) dating back more than a decade that involved a damages claim potentially topping \$9bn. The case also raised fundamental issues affecting the balance of power between established platforms and upstart competitors in the software industry.

The justices decided for Google by a majority of six to two, with conservatives Clarence Thomas and Samuel Alito dissenting. The case was [heard](#) before Amy Coney Barrett, appointed by former President Donald Trump, joined the court.

The decision found that Google was covered by "fair use" protections in the early days of the smartphone industry when it used more than 11,000 lines of Oracle code in order to make its Android operating system compatible with the widely used Java software, which was later acquired by Oracle.

The Google platform just got bigger and market power greater

Oracle

Using the pieces of Java code, known as application programming interfaces (APIs), made it easier for Java developers to adapt their existing programs to run on Android — a big advantage to Google in its smartphone rivalry with Apple.

Such copying has long been common in the tech industry, where companies often try to make their new software compatible with the most widely-used technologies.

Google sought to put itself on the side of upstart competitors, claiming that the freedom to copy interfaces was important for anyone trying to compete with powerful tech platforms. But Oracle and its supporters claimed the case showed how powerful companies like Google steal code and have the legal might to crush challengers.

“The Google platform just got bigger and market power greater,” Oracle said after its loss. It added that the case showed “exactly why regulatory authorities around the world and in the United States are examining Google’s business practices.”

The decision would reverberate far beyond the two huge tech groups and showed that the court had thought deeply about the impact on the entire software world, said Pamela Samuelson, a professor of law and information management at the University of California, Berkeley. The ruling made clear that much of the value in software interfaces was created by the many developers who adopt and use them, meaning that they should not be restricted, she said.

The investment programmers had made in learning the interfaces meant that “to allow enforcement of Oracle’s copyright here would risk harm to the public”, according to the Supreme Court decision, written by Justice Stephen Breyer. It would result in “a lock limiting the future creativity of new programs. Oracle alone would hold the key.”

Google’s defence was two-pronged. It argued that it was protected by fair use, which allows limited use of copyrighted material, but it also claimed that interfaces should not have the legal protection that covers most computer code since they count as an essential “method of operation”, like a steering wheel in a car.

In reaching a decision only on the fair use point, the justices ruled that Google had used “only those lines of code that were needed to allow programmers to put their accrued talents to work in a new and transformative program”.

By not ruling on whether interfaces are covered by copyright in the first place, the decision left open a key issue. Some developers warned that most companies cannot afford the cost and uncertainty of mounting a lengthy “fair use” defence.

However, Samuelson said the Supreme Court had strengthened the position of defendants by making clear that its decision about fair use was based on a matter of law, rather than having anything to do with the facts of the case.

That meant defendants in future would be able to seek a summary judgment from a court that they were covered by fair use, rather than facing a protracted jury trial, she said.

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