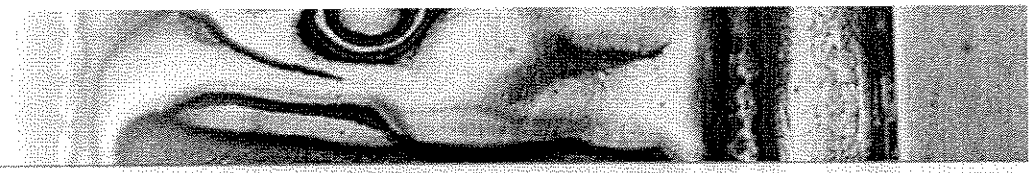
Exhibit 26



Sony Corp v. Universal City Studios

Docket: 81-1687
Citation: 464 U.S. 417 (1984)
Petitioner: Sony Corp
Respondent: Universal City Studios

Case Media

Oral Argument
Opinion Announcement
Oral Reargument
Written Opinion

Abstract

Argument: Tuesday, January 18, 1983
Reargument: Monday, October 3, 1983
Decision: Tuesday, January 17, 1984
Issues: Economic Activity, Copyright

Advocates

Dean C. Dunlavey (
Stephen A. Kroft (

Facts of the Case

Sony Corporation of America manufactured and sold the "Betamax" home video tape recorder (VTR). Universal City Studios owned the copyrights to television programs broadcast on public airwaves. Universal sued Sony for copyright infringement, alleging that because consumers used Sony's Betamax to record Universal's copyrighted works, Sony was liable for the copyright infringement allegedly committed by those consumers in violation of the Copyright Act. Universal sought monetary damages, an equitable accounting of profits, and an injunction against the manufacturing and marketing of the VTR's. The District Court denied all relief, holding that the noncommercial home use recording of material broadcast over the public airwaves was a fair use of copyrighted works and did not constitute copyright infringement. Moreover, the court concluded that Sony could not be held liable as contributory infringers even if the home use of a VTR was considered an infringing use. In reversing, the Court of Appeals held Sony liable for contributory infringement.

Question

Does Sony's sale of "Betamax" video tape recorders to the general public constitute contributory infringement of copyrighted public broadcasts under the Copyright Act?

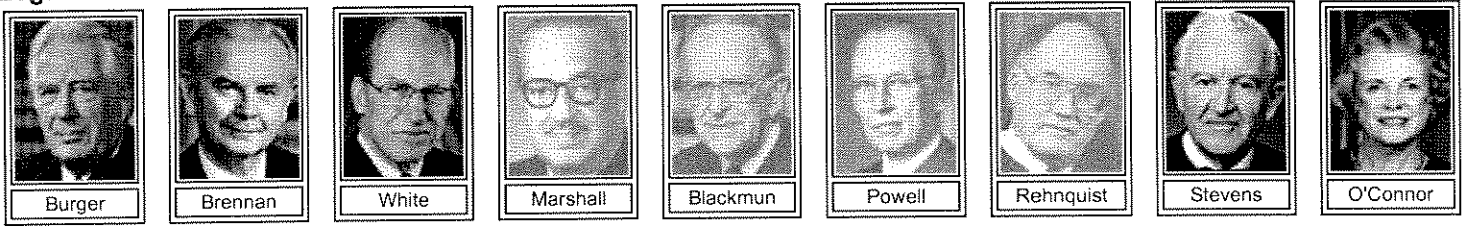
Conclusion

No. In a 5-4 opinion delivered by Justice John Paul Stevens, the Court held that "[t]he sale of the VTR's to the general public does not constitute contributory infringement of [Universal's] copyrights." The Court concluded that there was a significant likelihood that a substantial number of copyright holders who license their works for free public broadcasts would not object to having their broadcasts time-shifted by private viewers and that Universal failed to show that time-shifting would cause non-minimal harm to the potential market for, or the value of, their copyrighted works. Justice Stevens wrote for the Court that "[t]he sale of copying equipment...does not constitute contributory infringement if the product is widely used for legitimate, unobjectionable purposes, or, indeed, is merely capable of substantial noninfringing uses." For the dissenting minority, Justice Blackmun expressed the views that taping a copyrighted television program is infringement and that the recorder manufacturers were guilty of inducing and materially contributing to the infringement.

Supreme Court Justice Opinions and Votes (by Seniority)

Sort by Ideology
(More information here)

Decision: 5 votes for Sony Corp, 4 vote(s) against
Legal Provision: 17 U.S.C. 102



Full Opinion by Justice John Paul Stevens

Cite this page

The Oyez Project, Sony Corp v. Universal City Studios, 464 U.S. 417 (1984), available at: <http://www.oyez.org/cases/1980-1989/1982/1982_81_1687/> (last visited Wednesday, July 16, 2008).