



Oxford University Press Publishes Firm Article on U.S. Supreme Court Holds that U.S. States are Immune From Federal Copyright Infringement Claims in Case Involving Blackbeard's Flagship

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Abstract

Allen v Cooper, No 18-877, 140 S Ct 994, 23 March 2020

Thirty years ago, the U.S. Congress passed two nearly identical bills designed to strip US states of their sovereign immunity from claims of patent and copyright infringement—the Patent Remedy Act (PRA) and Copyright Remedy Clarification Act (CRCA). Almost 10 years later, in *Florida Prepaid Postsecondary Education Expense Board v College Savings Bank* (1999) 527 US 627, the US Supreme Court held that the PRA lacked a constitutional basis. However, it was not until this year, in *Allen v Cooper*, No 18-877, 140 S Ct 994 (23 Mar 2020), that the US Supreme Court held that the CRCA also lacked a constitutional basis.

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