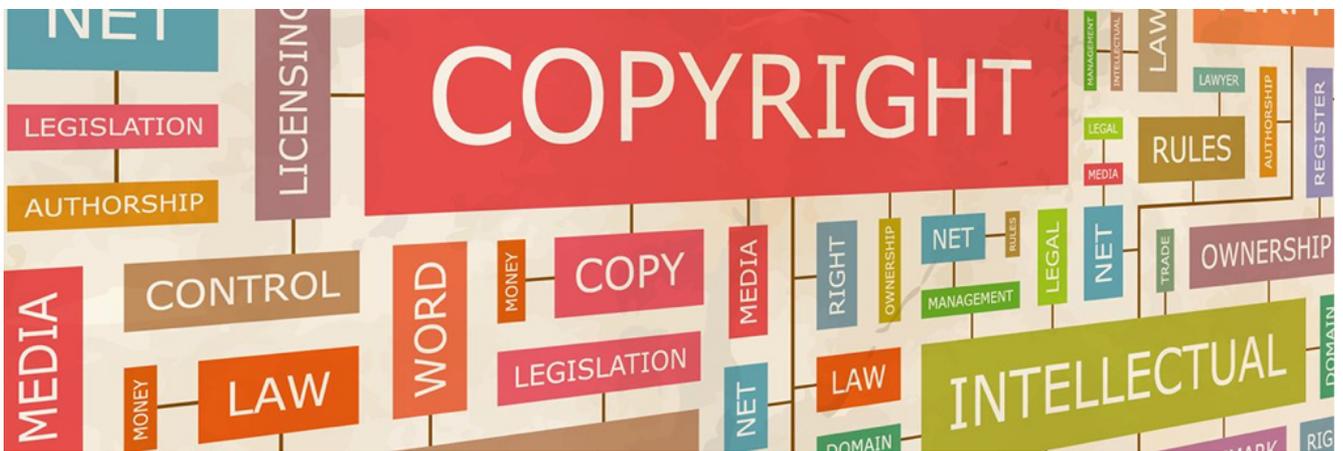# US court issues Google API with Java ruling

US Supreme Court rules that specifying an API function call to enable third-party developers to access functionality should not be copyrighted

The US Supreme Court has handed [Google a massive victory](#) in its decade-long fight with Oracle over Java application programming interfaces (APIs).

Content Continues Below
Download this free guide

IT Priority Budgets 2021 Infographic

After surveying near 500 European IT sector professionals, the jury is out on what companies across the continent will be spending on in 2021. We dive into what spend will be easier to justify, if budgets for IT

companies are on the rise or fall and what the 2021 project rankings are for most in the new year. Download this PDF infographic to find out what the results showed.

In a blog post in 2019, Google's chief legal officer, Kent Ward, wrote: "Standardised software interfaces have driven innovation in software development. They let computer programs interact with each other and let developers easily build technologies for different platforms."

But over the last 10 years, Oracle has contested that the use of Java in Google's Android operating system for smartphones was a copyright infringement. The case involved the 11,500 lines of declaring code from the Java API used in Android.

But on 5 April, the Supreme Court ruled 6-2 that Google's use of code copied from Java APIs in Android was fair use.

In his written opinion, Justice Stephen Breyer wrote: "Just as fair use distinguishes among books and films, which are indisputably subjects of copyright, so too must it draw lines among computer programs. And just as fair use takes account of the market in which scripts and paintings are bought and sold, so too must it consider the realities of how technological works are created and disseminated. We do not believe that an approach close to 'all or nothing' would be faithful to the Copyright Act's overall

design."

Breyer said Google used the [Sun Java API](#) to build new products and expand the use and usefulness of Android-based smartphones, offering programmers what he described as "a highly creative and innovative tool" for a smartphone environment. "To the extent that Google used parts of the Sun Java API to create a new platform that could be readily used by programmers, its use was consistent with that creative 'progress' that is the basic constitutional objective of copyright itself," he noted.

The filing illustrates the amount of detail needed to enable the court to understand the difference between defining an API through a declaration statement in a computer program and the actual implementation of the task, which is the code third-party developers access when they use the API in their own programs.

Breyer said: "Google, through Android, provided a new collection of tasks operating in a distinct and different computing environment. Those tasks were carried out through the use of new implementing code (that Google wrote) designed to operate within that new environment."

He described the lines of declarative code that define the Sun Java API as being "inseparably bound" to the tasks they are used to run, but added: "Google copied those lines not because of their creativity, their beauty, or even (in a sense) because of their purpose. It copied them

because programmers had already learned to work with the Sun Java API's system, and it would have been difficult, perhaps prohibitively so, to attract programmers to build its Android smartphone system without them.

"Further, Google's basic purpose was to create a different task-related system for a different computing environment (smartphones) and to create a platform – the Android platform – that would help achieve and popularise that objective."

Although Google has made a vast amount of money from its Android platform, Breyer said: "The source of Android's profitability has much to do with third parties' (say, programmers') investment in Sun Java programs. It has correspondingly less to do with Sun's investment in creating the Sun Java API.

"We reach the conclusion that in this case, where Google reimplemented a user interface, taking only what was needed to allow users to put their accrued talents to work in a new and transformative program, Google's copying of the Sun Java API was a fair use of that material as a matter of law."

OpenUK was part of the group of organisations involved in an amicus curiae brief for the case. Commenting on the outcome, Amanda Brock, CEO of OpenUK, said: "What we see here is the evolution of the concept of fair use of copyright to allow developers, including Google, the right

of fair use in the Java API building block and other such building blocks."

Brock said that while the law may struggle to keep up with the pace of technology change, it needs to be able to adapt to these technologies.

"We see this not only in the US, but across Europe and the UK, where regulators and law makers have struggled to understand and apply laws to the new digital economies," she said. "The importance of this case may well be the attempt to protect openness and collaboration through fair use, that will allow developers to use those building blocks whether copyright applies or not."

Brock added that the open source sector takes responsibility for managing copyright in source code, managed through open licensing. "Increasingly, we will see the importance of open use and the reliance of businesses, post-digital transformation, on this as we develop our digital economy and look also to the UK's similar legal concept of fair dealing in copyright," she said.