



## **SEGUNDO EJERCICIO**

### **TRADUCCIÓN DIRECTA INGLÉS-CASTELLANO**

PERFILES: 1, 2, 7, 15, 22 y 23

## **SUPREME COURT OF THE UNITED STATES**

WARNER CHAPPELL MUSIC, INC., ET AL. v. NEALY ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE  
ELEVENTH CIRCUIT

No. 22–1078. Argued February 21, 2024—Decided May 9, 2024

Under the Copyright Act, a plaintiff must file suit “within three years after the claim accrued”. On one understanding of that limitations provision, a copyright claim “accrues” when “an infringing act occurs” (*Petrella v. Metro-Goldwyn-Mayer, Inc.*, 572 U. S. 663, 670). But under an alternative view, the so-called discovery rule, a claim accrues when “the plaintiff discovers, or with due diligence should have discovered,” the infringing act. That rule enables a diligent plaintiff to raise claims about even very old infringements if he discovered them within the three years prior to suit. In this case, respondent Sherman Nealy invoked the discovery rule to sue Warner Chappell Music for copyright infringements going back ten years. Nealy argued that his claims were timely because he first learned of the infringing conduct less than three years before he sued. In the District Court, Warner Chappell accepted that the discovery rule governed the timeliness of Nealy’s claims. But it argued that, even if Nealy could sue under that rule for older infringements, he could recover damages or profits for only those occurring in the last three years. The District Court agreed. On interlocutory appeal, the Eleventh Circuit reversed, rejecting the notion of a three-year damages bar on a timely claim.



*Held:* The Copyright Act entitles a copyright owner to obtain monetary relief for any timely infringement claim, no matter when the infringement occurred. The Act’s statute of limitations establishes a three-year period for filing suit, which begins to run when a claim accrues (here, the Court assumes without deciding, upon its discovery). That provision establishes no separate three-year limit on recovering damages. If any time limit on damages exists, it must come from the Act’s remedial sections. But those provisions merely state that an infringer is liable either for statutory damages or for the owner’s actual damages and the infringer’s profits. There is no time limit on monetary recovery. So a copyright owner possessing a timely claim is entitled to damages for infringement, no matter when the infringement occurred.

The Court’s decision in *Petrella* also does not support a three-year damages cap. There, the Court noted that the Copyright Act’s statute of limitations allows plaintiffs “to gain retrospective relief running only three years back from” the filing of a suit. Taken out of context, that line might seem to address the issue here. But that statement merely described how the limitations provision worked in *Petrella*, where the plaintiff had long known of the defendant’s infringing conduct and so could not avail herself of the discovery rule to sue for infringing acts more than three years old. The Court did not go beyond the case’s facts to say that even if the limitations provision allows a claim for an earlier infringement, the plaintiff may not obtain monetary relief.

Unlike the plaintiff in *Petrella*, Nealy has invoked the discovery rule to bring claims for infringing acts occurring more than three years before he filed suit. The Court granted certiorari in this case on the assumption that such claims may be timely under the Act’s limitations provision. If Nealy’s claims are thus timely, he may obtain damages for them.

KAGAN, Justice, delivered the opinion of the Court, in which ROBERTS, Chief Justice, and SOTOMAYOR, KAVANAUGH, BARRETT, and JACKSON, Justices, joined. GORSUCH, Justice, filed a dissenting opinion, in which THOMAS and ALITO, Justices, joined.