

## *The State(s) of Copyright Law*

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Most legal scholarship on copyright law assumes that the making and interpretation of copyright law happens in the federal sphere, be it in Congress, federal courts, or the executive branch. This Article shows that there is an ignored actor in the development of copyright law: the states. A review of all available state court decisions (from 1789-2011) that mention copyright indicates that state courts are construing copyright law and making copyright policy, be it through contract law, tax law, family law, state intellectual-property rights, or even federal copyright law. This condition holds even after Congress's 1976 copyright revision, which gave states far less say in copyright matters. After showing descriptively how state courts are having a say in copyright matters, I discuss the costs and benefits, as well as the legality, of state intervention in copyright law.