No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Curtis J Neeley Jr., MFA PETITIONER

vs.

NameMedia Inc RESPONDENT

Google Inc RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

The Eighth Circuit Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Curtis J Neeley Jr
2619 N Quality Ln
Apartment 123
Fayetteville, AR, 72703
479-263-4795

Direct Impact of January 18, 2012 Supreme Court Ruling

Eighth Circuit Court clerks et al,

The Supreme Court released a sixty-three page slip opinion that directly addressed every issue currently in error that is appealed in (11-2558). In the Supreme Court ruling of (10-545), the Berne Convention, cited as an authority in (11-2558), was called the controlling regime. It will be utterly impossible to avoid directly contradicting the Supreme Court without granting the requested appeal in its entirety. Affirming the errors, as was sought by each respondent, is now impossible as Supreme Court precedence has been set.

Respondent Google Inc filed an amici in (10-545) that was overruled point by point and was as much a self-serving legal error as their Brief in this case is most purely self-serving errors of law.

The first sentence of the ruling completely eviscerates the entire Google Inc and NameMedia Inc contention that is an error in language and in law. Various impacting Supreme Court quotes follow from the ruling.

> The Berne Convention for the Protection of Literary and Artistic Works (Berne), which took effect in 1886, is the principal accord governing international copyright relations. … From p.1

> [3]See also S. Rep. No. 103–412, p. 225 (1994) ("While the United States declared its compliance with the Berne Convention in 1989, it never addressed or enacted legislation to implement Article 18 of the Convention."); …From p 5

> In 1994, however, the Agreement on Trade-Related Aspects of Intellectual Property Rights mandated implementation of Berne's first 21 articles, on pain of enforcement by the World Trade Organization … From p. 7
>
> Unimpeachable adherence to Berne, Congress was told, would help ensure enhanced foreign protection, and hence profitable dissemination, for existing and future U. S. works. … From footnote on p. 8
>
> [11]From the first Copyright Act until late in the 20th century, Congress conditioned copyright protection on compliance with certain statutory formalities. The most notable required an author to register her work, renew that registration, and affix to published copies notice of copyrighted status. The formalities drew criticism as a trap for the unwary. … From footnote 11 on p.9
>
> Historical practice corroborates our reading of the Copyright Clause to permit full U. S. compliance with Berne. From p. 15
>
> Full compliance with Berne, Congress had reason to believe, would expand the foreign markets available to U. S. authors and invigorate protection against piracy of U. S. works abroad, S. Rep. No. 103–412, pp. 224, 225 (1994); … From p.22
>
> Congress determined that U. S. interests were best served by our full participation in the dominant system of international copyright protection. Those interests include ensuring exemplary compliance with our international obligations, securing greater protection for U. S. authors abroad, and remedying unequal treatment of foreign authors. … From p. 32

The preceding excerpts from the (10-545) ruling make it clear that the Berne Convention cited in the Respondent's Reply Brief as an authority is, in fact, authoritative and should direct deciding this case. There is the tenuous contention that Article 6*bis* has never been enforced. The 1990 Visual Arts Rights Act or 17 USC §106A was a marginal though unsuccessful attempt to comply with Article 6*bis*.

The exceptions pointed out in error in §101 of "*electronic publications*" are and were wildly misunderstood by the District Court and each respondent.

ALL "*electronic publications*" can be mailed or otherwise COLLECTED physically by a library. "Internet" wire communications are NEVER "*electronic publications*" like disc cover-mounts are or like other mail able and collectible physical electronic media can be. The contention by the Appellant that a static PDF could become an exempted "*electronic publication*" failed to require that the static PDF was stored on a portable electronic medium as it should have. A PDF with a retrieval date and stored on a portable electronic medium can be an exempted "*electronic publication*". Wire communication, whether the signals are subscription cable television or computer wire communications, should be regulated by the FCC as is obvious to the casual observer reading FCC v. Fox et al (07-582) This Supreme Court case was reversed and remanded though dealing with wire broadcasts of otherwise broadcast analog television stations. The ruling in (11-2558) WILL BE the most impacting court decision EVER and the panel is invited *sua spont* to consider this decision *en banc*. A Supreme Court appeal will obviously follow rapidly.

Respectfully and humbly submitted

s/ Curtis J Neeley Jr

Curtis J Neeley Jr., MFA