

**GOLAN V. GONZALEZ: THE STALEMATE BETWEEN THE FIRST
AMENDMENT AND COPYRIGHT CONTINUES**

*Daniel Choi*¹

In the wake of a long history of copyright decisions that have been sparse in terms of First Amendment analysis, the Tenth Circuit in Golan v. Gonzales clearly addresses the First Amendment. This Recent Development analyzes the decision in Golan and argues that while the First Amendment concerns were properly recognized, the ultimate resolution of the Tenth Circuit was incorrect. The remand to the district court solely on the issue of whether the Uruguay Round Agreements Act is a content-based or content-neutral restriction of free speech leaves the district court with too narrow of a test for the First Amendment issue in Golan. This Recent Development presents an alternative solution to the issue presented in Golan and discusses the relevant factors to be considered upon remand to the district court.

I. INTRODUCTION

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² Project Gutenberg, <http://www.gutenberg.org> (last visited Feb. 8, 2008) (on file with the North Carolina Journal of Law & Technology).

³ *See id.*

⁴ *See id.*