



Expression
Copyright

First Sale

Eric E. Johnson

ericejohnson.com



Konomark
Most rights sharable

17 U.S.C. § 109

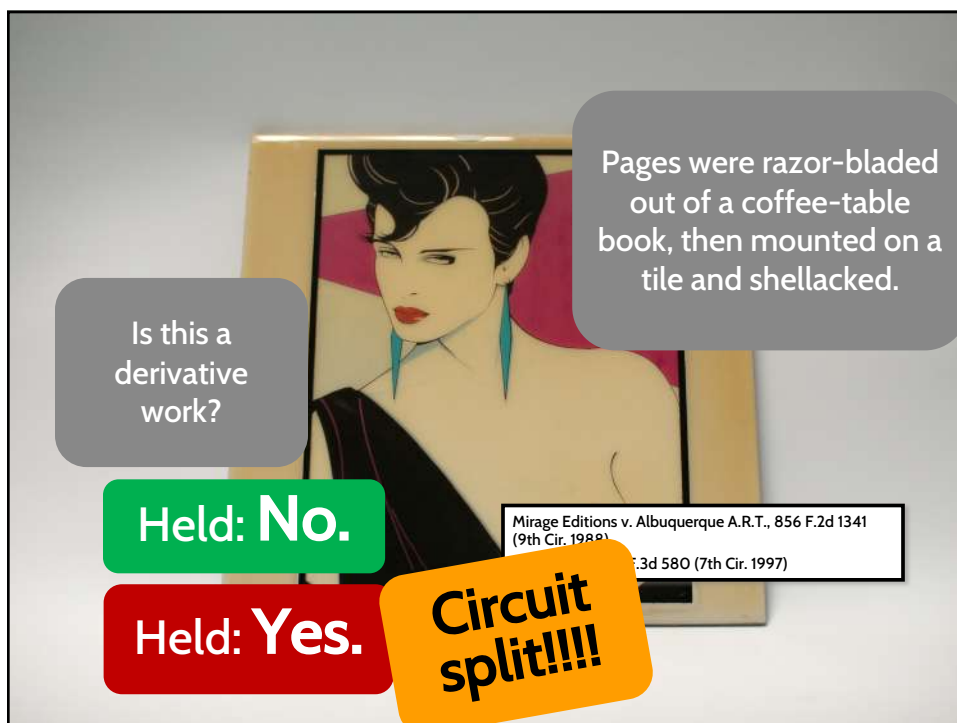
First sale defense in statute:

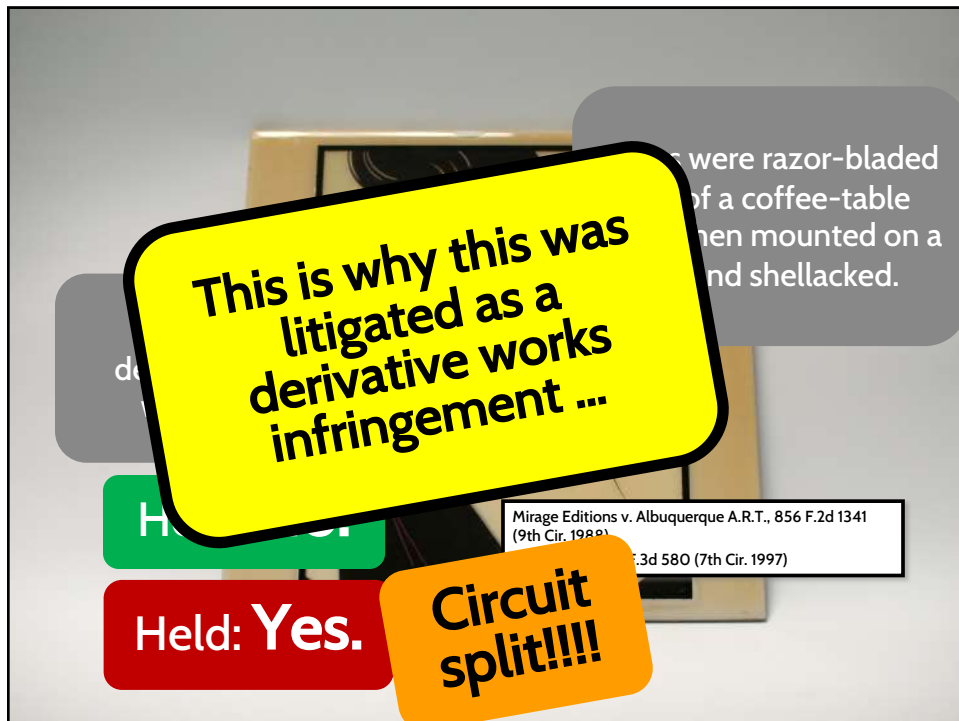
“ ... the owner of a particular copy or phonorecord lawfully made under this title, or any person authorized by such owner, is entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy or phonorecord.”

First sale and imports

There was question about whether the first sale doctrine would allow people to resell copies of copyrighted works purchased overseas – so-called “gray-market goods.”

This involves what is called “price discrimination” – charging more to customers who can afford to pay more.







First sale and imports

There was question about whether the first sale doctrine would allow people to resell copies of copyrighted works purchased overseas – so-called “gray-market goods.”

In *Kirtsaeng v. John Wiley & Sons, Inc.* (U.S. 2013), the defendant made around \$100,000 profits reselling in the United States various expensive college textbooks purchased in Asia, where the publisher had much lower prices. The U.S. Supreme Court said first-sale doctrine protected this.