

The U.S. Government Supports Textbook Publisher in First Sale Case



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As previously reported, the **U.S. Supreme Court** has agreed to hear a case involving the territorial limits of the **first sale doctrine** under **U.S. copyright law**. Oral arguments in that case have been set for October 29.

The U.S. solicitor general, in an amicus brief filed in support of the textbook publisher in this case, argues that U.S. copyright law as embodied in Title 17 of the U.S. Code does not apply extraterritorially. Thus, the brief states, a work protected by copyright that is manufactured outside the U.S. “is not made subject to Title 17 and therefore is not covered” by Title 17.

Several library groups have complained that a decision in favor of the publisher would make it difficult for libraries to function since they often do not know the source of the books and other materials they handle. The **Association of American**

Publishers, which also filed a brief in support of the publisher, has said that publishers will not interfere with libraries' historic practices and procedures if the publisher prevails in this case.

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