

# COPYRIGHT

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CLASS 11: THE DISTRIBUTION RIGHT

# Class Outline

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- The Distribution Right
  - The first sale doctrine
  - Importation and exhaustion

# §106(3) – Distribution

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“[T]he owner of copyright ... has the exclusive rights to do and to authorize any of the following: ...

(3) to distribute copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending;...”

# Section 109: First Sale

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- (a) Notwithstanding the provisions of section 106(3), the owner of a particular copy or phonorecord lawfully made under this title ... is entitled, without the authority of the copyright owner, to sell or otherwise dispose of the possession of that copy or phonorecord.
  
- (b) [except in cases of commercial lending of sound recordings and software]

# § 602 - Infringing Importation or Exportation of Copies or Phonorecords

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(a) Infringing Importation or Exportation. –

1. Importation. –

Importation into the United States, without the authority of the owner of copyright under this title, of copies or phonorecords of a work that been acquired outside the United States is an infringement of the exclusive right to distribute...”

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