CLASS 14: THE DISTRIBUTION RIGHT
Class Outline

• The Distribution Right
  – The first sale doctrine
  – Importation and exhaustion
§106(3) – Distribution

“[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

(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

(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…”