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SIIA Statement on Supreme Court Arguments in 'First Sale' Case - Kirtsaeng v. John Wiley & Co.

Tech Association Filed Brief Arguing that International Application of 'First Sale' will Damage U.S. Information Industry & Hurt Consumers

WASHINGTON, D.C. (Oct. 29, 2012) – Keith Kupferschmid, SIIA General Counsel and Senior Vice President for Intellectual Property Policy and Enforcement for the Software & Information Industry Association (SIIA), released the following statement after the U.S. Supreme Court arguments in *Kirtsaeng v. John Wiley & Co.* – a hotly contested case that threatens the U.S. information industry. Last month, SIIA filed an [amicus brief](#) in the case, which involves the legality of purchasing copyrighted works overseas and selling them here in the U.S. without authorization from the publisher.

"We believe that, if the First Sale Doctrine were to apply to materials made and sold overseas, it would severely undermine U.S. companies' ability to compete in foreign markets. At today's Supreme Court argument, the Justices seemed fairly split on the issues. Wiley's counsel, Ted Olson, reiterated a critical point made in SIIA's brief – that there are many of exceptions in the Copyright Act, including the Fair Use Defense, which can be used to prevent the concerns raised by the appellant.

"Ultimately, we hope that the Court will be convinced by the very real argument that both publishers and consumers will face direct harm if our markets are allowed to be flooded with copyrighted material that was intended for purchase overseas. American consumers will be defrauded into buying products that may be inferior or otherwise very different from those intended for U.S. markets, while confronting higher prices in the long run. Meanwhile, consumers and students abroad will lose access to valuable U.S. resources that were created

for them."

About SIIA

The Software & Information Industry Association (SIIA) is the principal trade association for the software and digital content industry. SIIA provides global services in government relations, business development, corporate education and intellectual property protection to more than 500 leading software and information companies. For more information, visit www.siia.net .