



lucy plovnick explains digital first sale doctrine in light of redigi case in *intellectual property magazine*

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Lucy Holmes Plovnick was quoted in *Intellectual Property Magazine* regarding the digital first sale doctrine at the heart of EMI's copyright infringement suit against ReDigi.

From the article...

"For the first sale doctrine to apply, the person or entity invoking the doctrine must own a physical copy of the work in question, and then sell or transfer that particular physical copy," per Ms. Plovnick. Moreover, when the US Copyright Office considered whether the existing first sale doctrine should be modified to create a "digital" first sale doctrine in 2001, the "Office concluded that digital first sale was not technologically possible at that time, as there was no foolproof mechanism to ensure that digital files were transferred without making additional copies."

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practice areas

entertainment & ip litigation