Copyright Exhaustion

Second Edition

In the second edition of this timely book, copyright scholar Péter Mezei offers a comprehensive examination of copyright exhaustion, including its historical development, theoretical framework, practical application, and policy considerations. He compares the substantive norms and case law for the first-sale doctrine in the US and in the European Union, covering both analogue and digital applications in detail, and, in doing so, questions the common rejection of exhaustion in the resale of digital subject matter, such as computer programs, sound recordings, audio-visual works, and e-books. Instead, he proposes a digital first-sale doctrine that would offer legal consistency to copyright law and a technologically feasible and economically balanced framework for content producers and consumers. This book should be read by anyone interested in how copyright law continues to evolve in conjunction with the digital world.

PÉTER MEZEI is an associate professor at the University of Szeged, an adjunct professor at the University of Turku, and a visiting lecturer at the University of Jean Moulin Lyon III and the Bocconi University. Since 2010, he has been a member of the Hungarian Copyright Expert Board. Since 2020, he has been a member of the European Copyright Society. He is an external adviser of the Intellectual Property Law Students Society at Lagos State University. His major expertise is in comparative digital copyright law. Mezei has contributed several times to international research commissioned by the European Commission. He is a task leader in the recreating Europe H2020 project. He wrote national reports to the 2010 and 2014 Comparative Law Congresses.
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Second edition

Péter Mezei

*Szeged Law School, Hungary*
To the three Graces, again
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Acknowledgments

After spending seven years doing research on P2P file sharing, and completing my book on the topic, I was ready to turn to new topics of copyright law. During the fall of 2013, I bumped into, coincidentally, one of my then-students, Juan Pinoargote, at the local market in Turku, Finland. He was eager to know my opinion on the then fresh ReDigi ruling. I was familiar with the UsedSoft case, but ReDigi was new to me. Consequently, Juan deserves the first handshake, as he drew my attention to the idea of digital exhaustion.

Since 2013, I have worked systematically on the first and now the second edition of this book. I presented my work on over a dozen conferences since 2013, including “SCIPLAW” in Vienna, “CICL” in Leeds, and “CopyCamp” in Warsaw in 2014; “Online Content Distribution Conference” in Helsinki in 2017; the Oxford Intellectual Property Speakers Series in Oxford and the “Law and Society Conference” in Toronto in 2018; the “Owning Expression and Propertizing Speech Conference” in Luxembourg in 2019; and the “IP MOSAIC 2020” virtual conference. I appreciate the kind invitations of Daniel Steinbock to Toledo, Ohio, USA; Tuomas and Ulla-Maija Mylly to Turku, Finland; Katja Weckström to Joensuu, Finland; Horst-Peter Götting, Anne Lauber-Rönberg, and Jana Lutter to Dresden, Germany; Edouard Treppoz to Lyon, France; Louis-Daniel Muka Tshibende to Lyon, France; Laurent Manderieux and Gabriele Gagliani to Milan, Italy; Christophe Geiger to Strasbourg, France; Rainer Oesch to Helsinki, Finland; and Estelle Derclaye and Bernd Justin Jütte to Nottingham, UK, where I have delivered university lectures on exhaustion since 2013. During, after, and independently of these programs, and beyond the persons indicated above, I had the privilege of discussing the details of my research with Daniel Acquah, Christiaan Alberdingk Thijm, Simon Apel, Clemens Appl, Lionel Bently, Enrico Bonadio, Maurizio Borghi, Oleksandr Bulayenko, Corinna Coors, John Cross, Gábor Faludi, Emanuele Fava, Lauraleen Ford, Giancarlo Frosio, Brian
x  Acknowledgments

L. Frye, Dev Gangjee, Simon Geiregat, Anette Gärtner, Shubha Ghosh, Anikó Grad-Gyenge, Dóra Hajdú, István Harkai, Philipp Homar, Eetu Huhta, Steven D. Jamar, Georgia Jenkins, Stavroula Karapapa, Sunimal Mendis, Zoi Michalopoulou, Marc Mimler, Sarit K. Mizrahi, Pierre-Emmanuel Moyse, Poorna Mysoor, Lateef Mrima, Paulina Oltusek, Liliia Oprysk, Aaron Perzanowski, Matka Potocnik, João Pedro Quintais, Ioannis Revolidis, Yoonmo Sang, Lars Smith, Mira Sundara T. Rajan, Caterina Sganga, Maciej Szpunar, Pawel Szulewski, Alina Trapova, Peter Yu, and Martin Winner. Many of the colleagues listed above also provided me significant help in the collection of resources for the first and/or second edition of the book. I apologize if I have omitted anyone from this long and rich list of colleagues. Furthermore, I am grateful to those who volunteered to review the editions of this book, and thus supported me in developing my manuscript.¹

Finally, I am very grateful to a handful of people who polished the book’s language. During the preparation of the first edition, Andy Cheesman taught me how books on law should be written to make them readable by natural scientists, too. Ally Farnhill showed me how easy it is to work and laugh at the same time. Jonathan Clarke must be commended for his professionalism and perfectionism in copyediting the first edition of the book. The same acknowledgment goes to Georg Thomas for his review of the changes included in the second edition of the book. I also appreciate the help of Louis Fendrich in translating complicated German sentences into English. Finally, Emily Anne Thomas (class of 2020, University of Toledo) provided invaluable research assistance in updating the book in 2020. For this contact, I am especially grateful to Llewellyn Gibbons and Eric Chaffee. I am similarly grateful for the continuous support of the full editorial team of Cambridge University Press in completing this monograph.