



SCOTUS Hears Oral Arguments in Costco v. Omega Copyright First Sale Doctrine Case

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At 10am on November 8, 2010, the U.S. Supreme Court heard oral arguments in *Costco v. Omega*.

Costco arrived at the Supreme Court on appeal from the Ninth Circuit, which in 2008 held that Petitioner Costco had unlawfully imported watches that were subject to Respondent Omega's copyrights. Specifically, the Ninth Circuit held that the watches, which featured a tiny copyrighted "globe" logo, had not been subject to valid domestic sales, though they had been sold overseas. As a result, the copyright "first sale" doctrine did not apply, and Omega retained its Title 17, Section 106 rights in the watches, in spite of the foreign sales.

The [Wall Street Journal reports](#) that "the court seemed unsure of how to approach the case" and that "some justices suggested that neither side's arguments were completely supported by the text of federal copyright law." Law360.com similarly reports that "the justices were skeptical that either side could support their positions based on the text of the Copyright Act." SCOTUSblog has also reported on oral arguments [here](#).

At least [one blogger-attendee](#), however, believes that, based on various comments from the justices, the Court would appear likely to affirm the Ninth Circuit's holding for Omega.

A transcript of oral arguments is available [here](#).

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