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Welcome to the February 2024 issue of Sterne Kessler's Markt to Market® newsletter. This month, we discuss the potential trademark pitfalls for luxury brand resellers and important updates to the *Warner Chappell Music v. Nealy* copyright infringement suit.

Our [Trademark & Brand Protection practice](#) here at Sterne Kessler is devoted to guiding companies of all sizes in developing and maintaining strong brands around the world. There is always something new and exciting happening in our unique IP niche, and we bring you updates each month to help you keep on top of it all. Thanks for your readership. If there is something you would like us to cover, please don't hesitate to reach out to us and let us know!

Kind Regards,

Monica Riva Talley
Editor

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First Sale Doctrine – Not a Get Out of Jail Free Card

By: [Nicholas J. Nowak](#)

It is well established that under the First Sale Doctrine luxury resellers have the right to resell



genuine, pre-owned goods, and advertise them as such. But does the doctrine give merchants carte blanche in advertising name-brand items in the secondary market?

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Client Alert: Time's Up: Supreme Court to Grapple with Damages Dilemma in *Warner Chappell Music v. Nealy*

By: [Ivy Clarice Estoesta](#)

On February 21, 2024, the Supreme Court of the United States heard oral arguments in *Warner Chappell Music, Inc. et al. v. Nealy et al.* The case involves whether plaintiff music producer Sherman Nealy may recover damages for infringing acts by publishers Warner Chappell Music and Artist Publishing Group that occurred as early as 2008—ten years before Nealy filed suit in district court, in the Eleventh Circuit.



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