



The Legal and Economic Aspects of Gray Market Goods

Seth Lipner

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The first comprehensive work on the subject, this volume covers all the legal and economic issues raised by gray market goods--genuine trademarked goods manufactured with the authority of the trademark owner but imported without that entity's permission. Seth Lipner analyzes in detail the relevant judicial decisions, administrative actions, and legislation and provides a thorough discussion of the trademark law, copyright, antitrust, customs practice, and fraud issues involved in the importation of gray market goods. Designed to help both the legal and business communities understand and evaluate gray market situations, the book is written with a minimum of legal jargon and contains a supplement of relevant statutes and governmental regulations. The author also provides realistic projections about the future viability of gray market goods.

Following an introductory chapter that explores the business and economics of the gray market, Professor Lipner reviews a number of early gray market cases. Subsequent chapters address specific issues raised by gray market activities and litigation. The chapter on trademarks includes in-depth discussion of such topics as proving local goodwill, injury and the gray market, and the single international enterprise disqualification. Turning to antitrust issues, Professor Lipner covers the history of vertical restraints, antitrust law and the gray market, and specific cases. The succeeding chapters examine, in turn, customs service policies vis-a-vis gray market goods, the question of title, and copyright law and the gray market. The final section examines the effects of state laws, the International Trade Commission, and how the laws of foreign countries affect gray market trade in the United States. Discussion of cases is included throughout to illustrate points made in the text. Attorneys involved in international trade practice as well as importers, trademark owners, and licensees will find this book an indispensable guide to the business and litigation of controversies over gray market goods.

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