

We must consider the unintended consequences of such a law, as well as the legal logic of it.

Resale of ebooks will mean an enormous surge in piracy for profit. Stores that allow the sale of copies bought elsewhere will be unable to verify that the seller is the legitimate owner.

Since there is no viable way to prevent piracy through DRM, the ONLY restraint on piracy for profit now is the difficulty of selling those copies. Readers who are willing to pay for a copy go to the trusted marketplaces for ebooks. Pirates cannot upload a copy of a book already published there by someone else, and therefore cannot get paid for it.

But if they can sell "used copies," that protection vanishes. It will be trivial to upload a library of 1,000 different copies each, under 100 different names, and offer them for sale.

The market-makers will have no way to be sure who is legit, and who is a pirate, unless they offer the exact same list of titles every time, or funnel the money into only one account. I think we can all agree that both issues are easily avoided.

When the pirates take advantage of that opportunity, it will eviscerate the revenues of anyone who is fortunate enough to write or publish a valuable property. The profit margins for writers and everyone else in the book business are razor thin now. If you open this floodgate, they will become negative -- with horrendous consequences for our culture and our intellectual environment.

First sale may seem to make sense for ebooks, but it's a disaster on practical grounds. Please don't make this mistake.

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