
Kluwer Copyright Blog

Copyright case: Close v. Sotheby's Inc., USA

Pamela C. Maloney (Wolters Kluwer Legal & Regulatory US) · Wednesday, December 12th, 2018

The 1976 Copyright Act did not preempt applications for attorney fees filed by two auction houses following a determination that the California Resale Royalties Act (CRRA)—a statute that grants visual artists a right to receive 5% of the proceeds on any resale of their artwork under specified circumstances—was expressly preempted by the 1976 Act with respect to CRRA claims regarding sales that took place after its January 1, 1978 effective date, but not with respect to sales that occurred between the CRRA's effective date of January 1, 1977, and January 1, 1978, the U.S. Court of Appeals in San Francisco has held. In granting the applications, the appeals court determined that even though the 1977 claims against one of the auction houses had been remanded, the auction house qualified as a prevailing party because those claims were not subject to the CRRA fee-shifting provision (*Close v. Sotheby's Inc.*, December 3, 2018, per curiam).

Case date: 03 December 2018

Case number: No. 16-56234

Court: United States Court of Appeals, Ninth Circuit

A full summary of this case has been published on [Kluwer IP Law](#).

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