Document(1)

1.  [DIGITAL MILLENNIUM COPYRIGHT ACT, 105 Bill Tracking H.R. 2281](#)

   Client/Matter:  -None-

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Synopsis

A bill to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty.

Actions

Committee Referrals:

July 29, 1997    House Committee on the Judiciary

Legislative Chronology:

1st Session Activity:

July 29, 1997    143 Cong Rec H 6025
Referred to the House Judiciary Committee

September 16, 1997    143 Cong Rec D 953
House Subcommittee on Courts and Intellectual Property held a hearing

September 17, 1997    143 Cong Rec D 963
House Subcommittee on Courts and Intellectual Property concluded hearings

2nd Session Activity:

February 26, 1998    144 Cong Rec D 135
Cleared for full committee action, amended, by House Subcommittee on Courts and Intellectual Property

April 1, 1998    144 Cong Rec D 353
Ordered reported, as amended, by House Committee on the Judiciary

May 22, 1998    144 Cong Rec H 3970
Report filed by House Committee on the Judiciary (H. Rept. 105-551, Pt. 1)

May 22, 1998    144 Cong Rec H 3970
Referred sequentially to House Committee on Commerce

June 5, 1998    144 Cong Rec D 596
Hearing held by House Subcommittee on Telecommunications, Trade, and Consumer Protection

June 17, 1998    144 Cong Rec D 652
Markup held by House Subcommittee on Telecommunications, Trade, and Consumer Protection
(will continue on June 18, 1998)

June 18, 1998    144 Cong Rec D 662

Jorge Rodriguez-Sierra
Approved for full committee action by House Subcommittee on Telecommunications, Trade, and Consumer Protection

June 19, 1998

144 Cong Rec H 4879
Referral to Committees on Ways and Means and Commerce extended for a period ending not later than June 26, 1998.

July 17, 1998

144 Cong Rec D 785
Ordered reported, as amended, by House Committee on Commerce

July 17, 1998

144 Cong Rec D 785
Report filed by House Committee on Commerce (H. Rept. 105-551, Pt. 2)

July 22, 1998

144 Cong Rec H 6185
Discharged from House Committee on Ways and Means pursuant to clause 5 of rule X

August 4, 1998

144 Cong Rec H 7074
Motion by Rep. Coble to suspend the rules and pass the measure, as amended

August 4, 1998

144 Cong Rec H 7103
Agreed to motion by Rep. Coble (by voice vote) and the measure is passed, as amended

August 31, 1998

144 Cong Rec S 9682
Placed on Senate Calendar

September 3, 1998

144 Cong Rec S 9935
Remarks by Sen. ASHCROFT, JOHN D (R-MO)

September 17, 1998

144 Cong Rec S 10537
Senate considered, replaced with text of S. 2037, and passed as amended (by unanimous consent)

September 17, 1998

144 Cong Rec S 10537
Senate conferees appointed

September 23, 1998

144 Cong Rec H 8507
House disagreed with the Senate amendment, agreed to conference, and appointed conferees (by voice vote)

October 8, 1998

144 Cong Rec H 10075
Conference report filed in the House (H. Rept. 105-796)

October 8, 1998

144 Cong Rec S 11887
Senate began consideration of the conference report (by unanimous consent)

October 8, 1998

144 Cong Rec S 11889
Senate agreed to conference report (by unanimous consent)

October 12, 1998

144 Cong Rec S 12375
Remarks by Sen. HATCH, ORRIN G (R-UT)

October 12, 1998

144 Cong Rec H 10615
Conference report agreed to in the House under suspension of the rules (by voice vote)

October 20, 1998

144 Cong Rec S 12730
Remarks by Sen. LEAHY, PATRICK JOSEPH (D-VT)

Summary

(from the CONGRESSIONAL RESEARCH SERVICE)

Jorge Rodriguez-Sierra
Digest:

Copyright Treaties Implementation Act Copyright Infringement Liability Limitation Act WIPO Copyright Treaties Implementation Act 05/22/98 (Reported to House, amended, Part I ) TABLE OF CONTENTS: Title I: WIPO Copyright Treaties Implementation Title II: On-Line Copyright Infringement Liability Limitation =Title I: WIPO Copyright Treaties Implementation Act - Amends Federal copyright law to grant copyright protection to: (1) sound recordings that were first fixed in a treaty party (a country or intergovernmental organization other than the United States that is a party to specified international copyright and other agreements); and (2) pictorial, graphic, or sculptural works incorporated in a building or other structure or an architectural work embodied in a building located in the United States or a treaty party. Treats works published in the United States or a treaty party within 30 days after publication in a foreign nation that is not a treaty party as first published in the United States or a treaty party for purposes of conferring protection. Provides that no works other than sound recordings shall be eligible for protection solely by virtue of U.S. adherence to the Geneva Phonograms Convention or the World Intellectual Property Organization (WIPO) Performances and Phonograms Treaty. Revises the definition of "eligible country," for purposes of provisions regarding copyright in restored works, to include nations other than the United States that: (1) become World Trade Organization member countries after the date of enactment of the Uruguay Round Agreements Act; (2) are or become nations adhering to the Berne Convention; (3) adhere to the WIPO Copyright or Performances and Phonograms Treaties; or (4) become subject to a certain presidential proclamation of copyright restoration after such enactment date. Includes sound recordings in the definition of "restored work" if the source country for the work is an eligible country solely by its adherence to the WIPO Performances and Phonograms Treaty. (Sec. 103) Prohibits: (1) circumvention of technological protection measures that control access to protected works; or (2) manufacturing or trafficking in technology designed to circumvent measures that control access to, or protect rights of copyright owners in, such works. Provides exemptions to such prohibition for: (1) nonprofit libraries, archives, or educational institutions which gain access to a commercially exploited copyrighted work solely to make a good faith determination of whether to acquire such work, subject to certain conditions; and (2) law enforcement and intelligence activities. Bars the provision or distribution of false copyright management information with the intent to induce or conceal infringement. Defines "copyright management information" as certain information,
including title and name of author and copyright owner conveyed in connection with copies or phonorecords of a work or performances or displays, including in digital form. Provides exemptions to such prohibition for law enforcement and intelligence activities. Establishes civil remedies for violations regarding the circumvention of technological protection measures and copyright management information. Prescribes criminal penalties for willful violations committed for commercial advantage or private financial gain. Makes criminal penalties inapplicable to nonprofit libraries, archives, and educational institutions. Imposes a statute of limitations on criminal proceedings. (Sec. 105) Makes certain provisions of this title effective upon the entry into force of the WIPO Copyright and Performances and Phonograms Treaties.

=Title II: On-Line Copyright Infringement Liability Limitation=
- On-Line Copyright Infringement Liability Limitation Act -
Amends Federal copyright law to exempt an on-line material provider from liability for direct infringement, based solely on the intermediate storage and transmission of material through such provider’s system or network, if: (1) the transmission was initiated by another person; (2) the storage and transmission is carried out through an automatic technological process, without any selection of that material by the provider; and (3) no copy of such material is maintained in a manner ordinarily accessible to anyone other than the recipients anticipated by the person who initiated the transmission and no copy is maintained any longer than necessary to carry out that transmission. Exempts such a provider from liability for monetary relief for contributory infringement or vicarious liability based solely on the above conduct or on the transmission or provision of access to such material over the provider’s system or network if the provider: (1) does not have actual knowledge that the material is infringing or, in the absence of such knowledge, is not aware of facts or circumstances from which infringing activity is apparent; and (2) does not receive a financial benefit directly attributable to the infringing activity, if the provider has the right and ability to control such activity. Exempts a provider from any claim based on such provider’s removing or disabling on-line access to material in response to knowledge or information that such material is infringing, whether or not such material is in fact an infringement. Makes liable for damages any person who knowingly materially misrepresents that on-line material is an infringement. Provides that it is not a copyright infringement for the owner or lessee of a machine to make or authorize the making of a copy of a computer program solely by activation of a machine that lawfully contains an authorized copy of the program for purposes only of maintenance or repair of that machine, provided: (1) such new copy is used in no other manner and is destroyed immediately after the maintenance or repair is completed; and (2) any program or part thereof that is not necessary for machine activation is

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not accessed or used other than to make such new copy by activation
of the machine.

CRS Index Terms:

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Sentences (Criminal procedure) Technology
Technology transfer
Telecommunication
Trade
Trade agreements
Treaties
Web sites

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Sponsor(s)

Representative Howard Coble, R-NC

TOTAL COSPONSORS: 9

3 Democrats / 6 Republicans

CO-SPONSORS BY DATE:

Original Cosponsors:

Conyers(D)-MI  Frank(D)-MA  Hyde(R)-IL

Added September 26, 1997:
Bono(R)-CA

Added January 27, 1998:
McCollum(R)-FL

Added February 11, 1998:
Berman(D)-CA

Added June 5, 1998:
Bono(R)-CA  Paxton(R)-NY

Added June 22, 1998:
Pickering(R)-MS

Classification

Subject: INTELLECTUAL PROPERTY (96%); COPYRIGHT (95%); ECONOMIC NEWS (74%); TRADE AGREEMENTS (74%); ARCHIVE COLLECTIONS (73%); EDUCATION (50%)

Load-Date: November 9, 1998

Bill Tracking Report
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