

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 935

To amend title 17, United States Code, and the Communications Act of 1934 with respect to the public performance, by means of the display of video programming at places of public accommodation, of games between professional sports teams.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 1995

Mr. LIPINSKI introduced the following bill; which was referred to the Committee on the Judiciary and, in addition, to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 17, United States Code, and the Communications Act of 1934 with respect to the public performance, by means of the display of video programming at places of public accommodation, of games between professional sports teams.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Right to View Profes-  
5 sional Sports Act of 1995”.

1 **SEC. 2. COPYRIGHT EXCEPTION FOR BROADCASTS OF PRO-**  
2 **FESSIONAL SPORTS TEAMS.**

3 (a) EXEMPTION.—(1) Chapter 1 of title 17, United  
4 States Code, is amended by adding at the end the follow-  
5 ing:

6 **“§ 121. Limitations on exclusive rights: exemption for**  
7 **certain displays of video programming**

8 “(a) EXEMPTION FOR CERTAIN DISPLAYS OF VIDEO  
9 PROGRAMMING.—The public performance by means of the  
10 display of video programming at a place of public accom-  
11 modation of any game between professional sports teams,  
12 which would otherwise be an infringement of copyright to  
13 which section 411(b) of this title applies, shall not be an  
14 infringement of copyright if a reasonable fee (as deter-  
15 mined under chapter 8) is paid to the copyright owners  
16 for such performance.

17 “(b) DEFINITIONS.—As used in this section—

18 “(1) PROFESSIONAL SPORTS TEAM.—The term  
19 ‘professional sports team’ means a professional team  
20 engaged in the sport of football, baseball, basketball,  
21 ice hockey, boxing, or other sport.

22 “(2) PLACE OF PUBLIC ACCOMMODATION.—The  
23 term ‘place of public accommodation’ means an inn,  
24 hotel, motel, or other place of lodging, or a res-  
25 taurant, bar, or other commercial establishment  
26 serving food or drink.”.

1           (2) The table of sections at the beginning of chapter  
2 1 of title 17, United States Code, is amended by adding  
3 at the end the following:

“121. Limitations on exclusive rights: exemption for certain displays of video programming.”.

4           (b) ESTABLISHMENT OF FEES.—Section 801(b) of  
5 title 17, United States Code, is amended—

6           (1) by striking “and” at the end of paragraph  
7 (2);

8           (2) by striking the period at the end of para-  
9 graph (3) and inserting “; and”; and

10           (3) by adding after paragraph (3) the following:

11           “(4) to determine and adjust the reasonable  
12 fees to be paid to copyright owners for public per-  
13 formances of games between professional sports  
14 teams at places of public accommodation for pur-  
15 poses of section 121 of this title, and to publish such  
16 fees.

17 In determining or adjusting fees under paragraph (4) with  
18 respect to places of public accommodation, the copyright  
19 arbitration royalty panels shall take into account the aver-  
20 age fair market price for comparable programming pro-  
21 vided by cable systems (as defined in section 111(f)) and  
22 satellite carriers (as defined in section 119(d)) to other  
23 places of public accommodation (as defined in section  
24 121(b)) in the same local geographic area.”.

1 **SEC. 3. TREATMENT OF COPYRIGHT SYSTEM AS MARKET-**  
2 **ING SYSTEM FOR PURPOSES OF COMMUNICA-**  
3 **TIONS ACT OF 1934.**

4 Section 705(b) of the Communications Act of 1934  
5 (47 U.S.C. 605(b)) is amended—

6 (1) by redesignating subsections (c) through (g)  
7 as subsections (d) through (i), respectively;

8 (2) by inserting after subsection (b) the follow-  
9 ing new subsection:

10 “(c) The provisions of subsection (a) shall not apply  
11 to the interception, receipt, and display of video program-  
12 ming at a place of public accommodation of any game be-  
13 tween professional sports teams if the copyright owners  
14 for public performances of such game receive, from the  
15 owner or operator of such place of public accommodation,  
16 a reasonable fee determined in accordance with section  
17 801(b) of title 17, United States Code. For purposes of  
18 this section, the terms ‘public accommodation’ and ‘profes-  
19 sional sports team’ have the meanings provided in section  
20 121(b) of such title 17.”.

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