

108TH CONGRESS
1ST SESSION

S. 1933

To promote effective enforcement of copyrights, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 21, 2003

Mr. HATCH (for himself, Mrs. FEINSTEIN, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To promote effective enforcement of copyrights, and for other purposes.

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 “Enhancing Federal
5 Obscenity Reporting and Copyright Enforcement Act of
6 2003”.

7 **SEC. 2. HARMLESS ERRORS IN REGISTRATION CERTIFI-**
8 **CATES.**

9 (a) IN GENERAL.—Section 411 of title 17, United
10 States Code, is amended—

1 (1) by redesignating subsection (b) as sub-
2 section (c); and

3 (2) inserting after subsection (a) the following:

4 “(b)(1) A certificate of registration shall satisfy the
5 requirements of this section and section 412 irrespective
6 of any inaccurate information therein, unless—

7 “(A) the inaccurate information was included
8 on the application for copyright registration with
9 knowledge that it was inaccurate; and

10 “(B) the inaccurate information, if known,
11 would have caused the Register of Copyrights to
12 refuse registration.

13 “(2) In any case in which inaccuracies described
14 under paragraph (1) are alleged, the court shall request
15 the Register of Copyrights to advise the court whether the
16 inaccurate information, if known, would have caused the
17 Register of Copyrights to refuse registration.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—
19 Section 412 of title 17, United States Code, is amended
20 by striking “section 411(b)” and inserting “section
21 411(c)”.

22 **SEC. 3. COMPUTATION OF STATUTORY DAMAGES.**

23 Section 504(c)(1) of title 17, United States Code, is
24 amended in the second sentence by inserting before the
25 period “, except that the court in its discretion may deter-

1 mine that such parts are separate works if the court con-
 2 cludes that they are distinct works having independent
 3 economic value”.

4 **SEC. 4. MECHANICAL LICENSE NEGOTIATIONS FOR PHYS-**
 5 **ICAL PRODUCT CONFIGURATIONS.**

6 Section 115(c)(3)(B) of title 17, United States Code,
 7 is amended in the first sentence by striking “under this
 8 paragraph” and inserting “under this section”.

9 **SEC. 5. REPORT TO CONGRESS.**

10 The Attorney General shall include in the report of
 11 the Attorney General to Congress on the business of the
 12 Department of Justice, prepared under section 522 of title
 13 28, United States Code, the number of misdemeanor pros-
 14 ecutions and the number of felony prosecutions under sec-
 15 tions 2252, 2252A, 2252B, 2260, 2318, 2319, 2319A,
 16 and 2320 of title 18, United States Code, commenced and
 17 concluded during the last preceding fiscal year, including,
 18 in the case of those offenses where applicable, detailed in-
 19 formation concerning—

- 20 (1) the types of works involved;
- 21 (2) the tangible media of expression and means
 22 of reproduction and distribution involved; and
- 23 (3) in the case of prosecutions concluded, the
 24 disposition of such prosecutions, such as the number

1 of convictions and acquittals, and the sentences im-
2 posed.

3 **SEC. 6. INVESTIGATION OF INTELLECTUAL PROPERTY**
4 **CRIMES.**

5 (a) **REQUIRED STAFFING.**—The Attorney General
6 shall ensure that any unit in the Department of Justice
7 responsible for investigating computer hacking or respon-
8 sible for investigating intellectual property crimes is as-
9 signed at least 1 agent to support such unit for the pur-
10 pose of investigating crimes relating to the theft of intel-
11 lectual property and that each such agent has received
12 training in the investigation and enforcement of intellec-
13 tual property crimes.

14 (b) **AUTHORIZATION OF APPROPRIATIONS.**—There
15 are authorized to be appropriated to the Department of
16 Justice \$5,000,000 for each of fiscal years 2005, 2006,
17 2007, 2008, and 2009 to carry out the requirements of
18 subsection (a).

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