

Calendar No. 528

108TH CONGRESS
2^D 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

MAY 20, 2004

Reported by Mr. HATCH, with amendments

[Omit the part struck through and insert the part printed in *italic*]**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~~ 2004”.

1 **SEC. 2. HARMLESS ERRORS IN REGISTRATION CERTIFI-**
 2 **CATES.**

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

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

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

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

11 “(A) the inaccurate information was included
 12 on the application for copyright registration with
 13 knowledge that it was inaccurate; and

14 “(B) the ~~inaccurate~~ *inaccuracy of the* informa-
 15 tion, if known, would have caused the Register of
 16 Copyrights to refuse registration.

17 “(2) In any case in which inaccuracies described
 18 under paragraph (1) are alleged, the court shall request
 19 the Register of Copyrights to advise the court whether the
 20 ~~inaccurate~~ *inaccuracy of the* information, if known, would
 21 have caused the Register of Copyrights to refuse registra-
 22 tion.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 24 Section 412 of title 17, United States Code, is amended
 25 by striking “section 411(b)” and inserting “section
 26 411(c)”.

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

2 Section 504(c)(1) of title 17, United States Code, is
 3 amended in the second sentence by inserting before the
 4 period “, except that the court in its discretion may deter-
 5 mine that such parts are separate works if the court con-
 6 cludes that they are distinct works having independent
 7 economic value”.

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

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

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

15 *Section 115(c)(3)(B) of title 17, United States Code,*
 16 *is amended in the first sentence—*

17 *(1) by striking “under this paragraph” and in-*
 18 *serting “under this section”; and*

19 *(2) by inserting “on a nonexclusive basis” after*
 20 *“common agents”.*

21 **SEC. 5. REPORT TO CONGRESS.**

22 The Attorney General shall include in the report of
 23 the Attorney General to Congress on the business of the
 24 Department of Justice, prepared under section 522 of title
 25 28, United States Code, the number of misdemeanor pros-
 26 ecutions and the number of felony prosecutions under sec-

1 tions 1462, 1464, 1465, 1466, 1466A, 1470, 2252, 2252A,
2 2252B, 2260, 2318, 2319, 2319A, and 2320 of title 18,
3 United States Code, commenced and concluded during the
4 last preceding fiscal year, including, in the case of those
5 offenses where applicable, detailed information con-
6 cerning—

- 7 (1) the types of works involved;
- 8 (2) the tangible media of expression and means
9 of reproduction and distribution involved; and
- 10 (3) in the case of prosecutions concluded, the
11 disposition of such prosecutions, such as the number
12 of convictions and acquittals, and the sentences im-
13 posed.

14 **SEC. 6. INVESTIGATION OF INTELLECTUAL PROPERTY**
15 **CRIMES.**

16 (a) **REQUIRED STAFFING.**—The Attorney General
17 shall ensure that any unit in the Department of Justice
18 responsible for investigating computer hacking or respon-
19 sible for investigating intellectual property crimes is as-
20 signed at least 1 agent to support such unit for the pur-
21 pose of investigating crimes relating to the theft of intel-
22 lectual property and that each such agent has received
23 training in the investigation and enforcement of intellec-
24 tual property crimes.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Department of
3 Justice \$5,000,000 for each of fiscal years 2005, 2006,
4 2007, 2008, and 2009 to carry out the requirements of
5 subsection (a).

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