

115TH CONGRESS
2D SESSION

H. R. 6816

To amend title 17, United States Code, to exempt certain performances from copyright and trademark infringement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2018

Mrs. LOVE (for herself, Mr. BIGGS, Mr. CURTIS, Mr. BISHOP of Utah, and Mr. STEWART) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 17, United States Code, to exempt certain performances from copyright and trademark infringement, 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 “Family Movie Act
5 Clarification Act of 2018”.

6 **SEC. 2. AMENDMENTS TO THE EXEMPTION OF CERTAIN**
7 **PERFORMANCES.**

8 (a) IN GENERAL.—Section 110 of title 17, United
9 States Code, is amended—

1 (1) in paragraph (10), by striking “; and” and
2 inserting a semicolon;

3 (2) in paragraph (11), by striking the period at
4 the end and inserting “; and”;

5 (3) by inserting after paragraph (11) the fol-
6 lowing new paragraph:

7 “(12) the making imperceptible by or at the di-
8 rection of an individual, acting in a personal capac-
9 ity, of limited portions of audio or video content of
10 a motion picture, during a performance transmitted
11 to that individual for private viewing, directly or in-
12 directly from an authorized copy or digital trans-
13 mission of the motion picture, or the provision of a
14 service that enables such making imperceptible, if no
15 fixed copy of the altered version of the motion pic-
16 ture is created.”;

17 (4) by striking “For purposes of paragraph
18 (11)” and inserting “For purposes of paragraph
19 (11) and (12)”;

20 (5) by adding at the end, the following:

21 “For purposes of paragraph (12)—

22 “(A) no person asserting the rights of a
23 motion picture copyright owner may prevent or
24 impede by contract the provision of a service as
25 described in such paragraph;

1 “(B) no person providing an authorized
2 digital transmission of a motion picture to any
3 individual may modify technical aspects of its
4 transmission service for the purpose of pre-
5 venting such individual from receiving a trans-
6 mission as authorized by such paragraph; and

7 “(C) neither the circumvention of access
8 controls for the purpose of providing a service
9 described in such paragraph nor the use of
10 technology that allows such service to be pro-
11 vided at a cost and quality comparable to that
12 of the authorized stream under such paragraph
13 violates any provision of this title if there is no
14 demonstrated and avoidable economic injury to
15 the copyright owner or the authorized digital
16 transmission provider.”.

17 (b) CONFORMING AMENDMENT.—Section 32(3) of
18 the Act entitled “An Act to provide for the registration
19 and protection of trademarks used in commerce, to carry
20 out the provisions of certain international conventions,
21 and for other purposes”, approved July 5, 1946 (15
22 U.S.C. 1114(3)), commonly referred to as the “Trade-
23 mark Act of 1946” or the “Lanham Act”, is amended by

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1 inserting “or (12)” after “paragraph (11)” each place it
2 appears.

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