

111TH CONGRESS
2^D SESSION

S. 3689

To clarify, improve, and correct the laws relating to copyrights.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2010

Mr. LEAHY (for himself and Mr. SESSIONS) introduced the following bill;
which was considered, read the third time, and passed

A BILL

To clarify, improve, and correct the laws relating to
copyrights.

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 “Copyright Cleanup,
5 Clarification, and Corrections Act of 2010”.

6 **SEC. 2. COPYRIGHT OFFICE PROCEDURES.**

7 Title 17, United States Code, is amended—

8 (1) in section 512(e)(2), in the matter following
9 subparagraph (B), by striking “, in both electronic
10 and hard copy formats”; and

1 (2) in section 205(a), by adding at the end the
 2 following: “A sworn or official certification may be
 3 submitted to the Copyright Office electronically, pur-
 4 suant to regulations established by the Register of
 5 Copyrights.”.

6 **SEC. 3. REPEAL OF EXPIRED PROVISIONS.**

7 (a) TECHNICAL AMENDMENTS RELATED TO CHAP-
 8 TER 6.—

9 (1) The heading for chapter 6 of title 17,
 10 United States Code, is amended to read as follows:

“CHAPTER 6—IMPORTATION AND EXPORTATION.”.

11 (2) The item relating to chapter 6 in the table
 12 of chapters for title 17, United States Code, is
 13 amended to read as follows:

“6. Importation and Exportation 601.”.

14 (b) REPEAL.—Section 601 of title 17, United States
 15 Code, is hereby repealed and reserved.

16 (c) CONFORMING AMENDMENTS.—

17 (1) Section 409 of title 17, United States Code,
 18 is amended—

19 (A) in paragraph (9), by insert “and” after
 20 the semicolon;

21 (B) by striking paragraph (10); and

22 (C) by redesignating paragraph (11) as
 23 paragraph (10).

1 (2) The first sentence of section 602(b) of title
2 17, United States Code, is amended by striking “un-
3 less the provisions of section 601 are applicable”

4 **SEC. 4. CLARIFICATIONS.**

5 (a) **TRANSFER OF OWNERSHIP.**—The second sen-
6 tence of section 201(d)(2), of title 17, United States Code,
7 is amended by adding before the period the following: “,
8 including the right to transfer or license the exclusive right
9 to another person in the absence of a written agreement
10 to the contrary”.

11 (b) **CERTAIN DISTRIBUTIONS OF PHONORECORDS.**—
12 Section 303(b) of title 17, United States Code, is amended
13 by striking “the musical work” and inserting “any musical
14 work, dramatic work, or literary work”.

15 (c) **PROCEEDINGS OF COPYRIGHT ROYALTY**
16 **JUDGES.**—Section 803(b)(6)(A) of title 17, United States
17 Code, is amended by striking the second sentence and in-
18 serting: “All regulations issued by the Copyright Royalty
19 Judges are subject to the approval of the Librarian of
20 Congress and are subject to judicial review pursuant to
21 Chapter 7 of title 5, United States Code, except as set
22 forth in subsection (d).”

23 (d) **LICENSES FOR CERTAIN NONEXEMPT TRANS-**
24 **MISSIONS.**—Section 114(f)(2)(C) of title 17, United States
25 Code, is amended by striking “preexisting subscription

1 digital audio transmission services or preexisting satellite
2 digital radio audio services” and inserting “eligible non-
3 subscription services and new subscription services”.

4 **SEC. 5. TECHNICAL CORRECTIONS.**

5 (a) Title 17, United States Code, is amended—

6 (1) in section 101—

7 (A) by moving the definition of “Copyright
8 Royalty Judges” to follow the definition of
9 “Copyright owner”;

10 (B) by moving the definition of “motion
11 picture exhibition facility” to follow the defini-
12 tion of “Literary works”; and

13 (C) by moving the definition of “food serv-
14 ice or drinking establishment” to follow the def-
15 inition of “fixed”;

16 (2) in section 114(f)(2)(B), in the fourth sen-
17 tence in the matter preceding clause (i), by striking
18 “Judges shall base its decision” and inserting
19 “Judges shall base their decision”;

20 (3) in section 119(g)(4)(B)(vi), by striking “the
21 examinations” and inserting “an examination”;

22 (4) in section 503(a)(1)(B), by striking “copies
23 of phonorecords” and inserting “copies or
24 phonorecords”; and

1 (5) in section 704(e), in the second sentence, by
2 striking “section 708(a)(10)” and inserting “section
3 708(a)”.

4 (b) Section 209(a)(3)(A) of Public Law 110–403, is
5 amended by striking “by striking ‘and 509’ ” and inserting
6 “by striking ‘and section 509’ ”.

7 (c) Section 4(a)(1) of Public Law 111–146 is amend-
8 ed by striking “by corporations attempting” and inserting
9 “the purpose of which is”.

10 (d) Section 2318(e)(6) of title 18, United States
11 Code, is amended by striking “under section” and insert-
12 ing “under this section”.

13 **SEC. 6. BUDGETARY EFFECTS.**

14 The budgetary effects of this Act, for the purpose of
15 complying with the Statutory Pay-As-You-Go-Act of 2010,
16 shall be determined by reference to the latest statement
17 titled “Budgetary Effects of PAYGO Legislation” for this
18 Act, submitted for printing in the Congressional Record
19 by the Chairman of the Senate Budget Committee, pro-
20 vided that such statement has been submitted prior to the
21 vote on passage .

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