

***In the House of Representatives, U. S.,***

*November 15, 2010.*

*Resolved*, That the bill from the Senate (S. 3689) entitled “An Act to clarify, improve, and correct the laws relating to copyrights.”, do pass with the following

**AMENDMENTS:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Copyright Cleanup,*  
3 *Clarification, and Corrections Act of 2010”.*

4 ***SEC. 2. REFERENCE.***

5 *Except as otherwise specifically provided, whenever in*  
6 *this Act a section or other provision is amended or repealed,*  
7 *such amendment or repeal shall be considered to be made*  
8 *to that section or other provision of title 17, United States*  
9 *Code.*

10 ***SEC. 3. COPYRIGHT OFFICE PROCEDURES.***

11 *(a) DIRECTORY OF AGENTS OF SERVICE PRO-*  
12 *VIDERS.—Section 512(c)(2) is amended, in the matter fol-*  
13 *lowing subparagraph (B), by striking “, in both electronic*  
14 *and hard copy formats”.*

15 *(b) RECORDATION OF DOCUMENTS.—Section 205(a) is*  
16 *amended by adding at the end the following: “A sworn or*

1 *official certification may be submitted to the Copyright Of-*  
 2 *fice electronically, pursuant to regulations established by*  
 3 *the Register of Copyrights.”.*

4 **SEC. 4. REPEAL OF EXPIRED PROVISIONS.**

5 (a) *REPEAL.*—Section 601, and the item relating to  
 6 such section in the table of sections for chapter 6, are re-  
 7 pealed.

8 (b) *CONFORMING AMENDMENTS.*—

9 (1) *CLERICAL AMENDMENT.*—(A) *The heading*  
 10 *for chapter 6 is amended to read as follows:*

11 **“CHAPTER 6—IMPORTATION AND**  
 12 **EXPORTATION”.**

13 (B) *The item relating to chapter 6 in the table*  
 14 *of chapters is amended to read as follows:*

**“6. Importation and Exportation ..... 601”.**

15 (2) *APPLICATION FOR COPYRIGHT REGISTRA-*  
 16 *TION.*—Section 409 is amended—

17 (A) *in paragraph (9), by adding “and”*  
 18 *after the semicolon;*

19 (B) *by striking paragraph (10); and*

20 (C) *by redesignating paragraph (11) as*  
 21 *paragraph (10).*

22 (c) *INFRINGEMENT IMPORTATION OR EXPORTATION.*—*The*  
 23 *second sentence of section 602(b) is amended by striking*  
 24 *“unless the provisions of section 601 are applicable”.*

1 **SEC. 5. CLARIFICATIONS.**

2 (a) *CERTAIN DISTRIBUTIONS OF PHONORECORDS.—*  
 3 *Section 303(b) is amended by striking “the musical work”*  
 4 *and inserting “any musical work, dramatic work, or lit-*  
 5 *erary work”.*

6 (b) *PROCEEDINGS OF COPYRIGHT ROYALTY*  
 7 *JUDGES.—Section 803(b)(6)(A) is amended by striking the*  
 8 *second sentence and inserting the following: “All regulations*  
 9 *issued by the Copyright Royalty Judges are subject to the*  
 10 *approval of the Librarian of Congress and are subject to*  
 11 *judicial review pursuant to chapter 7 of title 5, except as*  
 12 *set forth in subsection (d).”.*

13 (c) *LICENSES FOR CERTAIN NONEXEMPT TRANS-*  
 14 *MISSIONS.—Section 114(f)(2)(C) is amended by striking*  
 15 *“preexisting subscription digital audio transmission serv-*  
 16 *ices or preexisting satellite digital radio audio services” and*  
 17 *inserting “eligible nonsubscription services and new sub-*  
 18 *scription services”.*

19 **SEC. 6. TECHNICAL CORRECTIONS.**

20 (a) *DEFINITIONS.—Section 101 is amended—*  
 21 (1) *by moving the definition of “Copyright Roy-*  
 22 *alty Judges” to follow the definition of “Copyright*  
 23 *owner”;*  
 24 (2) *by moving the definition of “motion picture*  
 25 *exhibition facility” to follow the definition of “Lit-*  
 26 *erary works”; and*

1           (3) *by moving the definition of “food service or*  
 2           *drinking establishment” to follow the definition of*  
 3           *“fixed”;*

4           (b)    *LICENSES       FOR       WEBCASTING.—Section*  
 5           *114(f)(2)(B) is amended in the fourth sentence, in the mat-*  
 6           *ter preceding clause (i), by striking “Judges shall base its*  
 7           *decision” and inserting “Judges shall base their decision”.*

8           (c)    *SATELLITE CARRIERS.—Section 119(g)(4)(B)(vi)*  
 9           *is amended by striking “the examinations” and inserting*  
 10          *“an examination”.*

11          (d)    *REMEDIES       FOR       INFRINGEMENT.—Section*  
 12          *503(a)(1)(B) is amended by striking “copies of*  
 13          *phonorecords” and inserting “copies or phonorecords”.*

14          (e)    *RETENTION OF COPIES IN COPYRIGHT OFFICE.—*  
 15          *Section 704(e) is amended, in the second sentence, by strik-*  
 16          *ing “section 708(a)(10)” and inserting “section 708(a)”.*

17          (f)    *CORRECTION OF INTERNAL REFERENCES.—(1)*  
 18          *Section 114(b) is amended by striking “118(g)” and insert-*  
 19          *ing “118(f)”.*

20          (2)    *Section 504(c)(2) is amended by striking “sub-*  
 21          *section (g) of section 118” and inserting “section 118(f)”.*

22          (3)    *Sections 1203(c)(5)(B)(i) and 1204(b) are each*  
 23          *amended by striking “118(g)” and inserting “118(f)”.*

1       (g) *PRO-IP ACT.*—Section 209(a)(3)(A) of Public  
2 Law 110–403 is amended by striking “by striking ‘and  
3 509’” and inserting “by striking ‘and section 509’”.

4       (h) *TRADEMARK TECHNICAL AMENDMENTS ACT.*—  
5 Section 4(a)(1) of Public Law 111–146 is amended by strik-  
6 ing “by corporations attempting” and inserting “the pur-  
7 pose of which is”.

8       (i) *TRAFFICKING.*—Section 2318(e)(6) of title 18,  
9 United States Code, is amended by striking “under section”  
10 and inserting “under this subsection”.

Amend the title so as to read: “An Act to clarify,  
improve, and correct the laws relating to copyrights, and  
for other purposes.”.

Attest:

*Clerk.*

11<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 3689**

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**AMENDMENTS**