

the Committees on Appropriations and on the Judiciary of the Senate and the House of Representatives.

(f) Funding

Notwithstanding section 1346 of title 31 or section 610 of this Act, funds made available for fiscal year 2000 and hereafter by this or any other Act shall be available for interagency funding of the National Intellectual Property Law Enforcement Coordination Council.

(Pub. L. 106-58, title VI, § 653, Sept. 29, 1999, 113 Stat. 480; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4741(b)(1)], Nov. 29, 1999, 113 Stat. 1536, 1501A-586.)

REFERENCES IN TEXT

This Act, referred to in subsec. (f), is Pub. L. 106-58, Sept. 29, 1999, 113 Stat. 430, known as the Treasury and General Government Appropriations Act, 2000. Section 610 of the Act is not classified to the Code. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Treasury and General Government Appropriations Act, 2000, and not as part of the Trademark Act of 1946, also known as the Lanham Act, which comprises this chapter.

AMENDMENTS

1999—Subsec. (a)(1). Pub. L. 106-113 substituted “Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office” for “Commissioner of Patents and Trademarks”.

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-113 effective 4 months after Nov. 29, 1999, see section 1000(a)(9) [title IV, § 4731] of Pub. L. 106-113, set out as a note under section 1 of Title 35, Patents.

§ 1129. Cyberpiracy protections for individuals

(1) In general

(A) Civil liability

Any person who registers a domain name that consists of the name of another living person, or a name substantially and confusingly similar thereto, without that person’s consent, with the specific intent to profit from such name by selling the domain name for financial gain to that person or any third party, shall be liable in a civil action by such person.

(B) Exception

A person who in good faith registers a domain name consisting of the name of another living person, or a name substantially and confusingly similar thereto, shall not be liable under this paragraph if such name is used in, affiliated with, or related to a work of authorship protected under title 17, including a work made for hire as defined in section 101 of title 17, and if the person registering the domain name is the copyright owner or licensee of the work, the person intends to sell the domain name in conjunction with the lawful exploitation of the work, and such registration is not prohibited by a contract between the registrant and the named person. The exception under this subparagraph shall apply only to a civil action brought under paragraph (1) and

shall in no manner limit the protections afforded under the Trademark Act of 1946 (15 U.S.C. 1051 et seq.) or other provision of Federal or State law.

(2) Remedies

In any civil action brought under paragraph (1), a court may award injunctive relief, including the forfeiture or cancellation of the domain name or the transfer of the domain name to the plaintiff. The court may also, in its discretion, award costs and attorneys fees to the prevailing party.

(3) Definition

In this section, the term “domain name” has the meaning given that term in section 45 of the Trademark Act of 1946 (15 U.S.C. 1127).

(4) Effective date

This section shall apply to domain names registered on or after November 29, 1999.

(Pub. L. 106-113, div. B, § 1000(a)(9) [title III, § 3002(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A-548.)

REFERENCES IN TEXT

The Trademark Act of 1946, referred to in par. (1)(B), is act July 5, 1946, ch. 540, 60 Stat. 427, as amended, also popularly known as the Lanham Act, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1051 of this title and Tables.

CODIFICATION

Section was enacted as part of the Anti-cybersquatting Consumer Protection Act, and not as part of the Trademark Act of 1946, also known as the Lanham Act, which comprises this chapter.

CHAPTER 23—DISSEMINATION OF TECHNICAL, SCIENTIFIC AND ENGINEERING INFORMATION

- Sec. 1151. Purpose of chapter.
- 1152. Clearinghouse for technical information; removal of security classification.
- 1153. Rules, regulations, and fees.
- 1153a. Repealed.
- 1154. Reference of data to armed services and other Government agencies.
- 1155. General standards and limitations; preservation of security classification.
- 1156. Use of existing facilities.
 - (a) Available assistance.
 - (b) Cooperation of other agencies.
- 1157. Relation to other provisions.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3704b of this title.

§ 1151. Purpose of chapter

The purpose of this chapter is to make the results of technological research and development more readily available to industry and business, and to the general public, by clarifying and defining the functions and responsibilities of the Department of Commerce as a central clearinghouse for technical information which is useful to American industry and business.

(Sept. 9, 1950, ch. 936, § 1, 64 Stat. 823.)

§ 1152. Clearinghouse for technical information; removal of security classification

The Secretary of Commerce (hereinafter referred to as the “Secretary”) is directed to es-