

Announcement

from the Copyright Office, Library of Congress, Washington, D.C. 20559

RECENT ENACTMENT ON COPYRIGHTS

Attached is a copy of Public Law 93-573, signed by President Ford on December 31, 1974. This enactment contains three principal provisions:

1. Record Piracy. The new enactment amends the copyright law (Title 17 of the United States Code) by making a permanent part of the statute those provisions of the "Record Piracy" Act of 1971 that protect sound recordings against unauthorized duplication. These provisions as originally enacted, took effect February 15, 1972, and would otherwise have terminated on December 31, 1974. The new enactment also increases the criminal penalties for infringement of copyrights in sound recordings, and increases the criminal penalties provided for record counterfeiting under the Criminal Code (Title 18 of the United States Code).

2. Two-year extension of expiring renewal copyrights. The enactment extends all subsisting copyrights in their second term that would otherwise expire before December 31, 1976, so that they will continue in force through December 31, 1976. The extension is automatic and does not require any action in the Copyright Office. Eight earlier Acts had already extended the second term of copyrights scheduled to expire between September 19, 1962, and December 31, 1974, to the end of 1974. The new Act extends the total duration of those copyrights and of the renewal copyrights scheduled to expire during 1975 and 1976, through the end of 1976.

The extensions do not apply to copyrights in their first term. Thus, they have no effect on the time limits for renewal registration, which must be made during the last year of the original 28-year term. Moreover, this law does not revive any copyrights that have already expired. The extensions apply only to copyrights that have already been renewed, for which the period of protection would otherwise expire before December 31, 1976.

3. National Commission on New Technological Uses. The measure creates in the Library of Congress a National Commission on New Technological Uses of Copyrighted Works. The purpose of the Commission is to study and provide data on the reproduction and use of copyrighted works either in conjunction with automated information storage, processing, and retrieval systems or by various forms of machine reproduction, not including reproduction by or at the request of instructors for use in face-to-face teaching activities. The Commission is to report its findings and recommendations to the President and to the Congress within three years of enactment. A preliminary report is due within one year of the first sitting of the Commission. The President will appoint the members of the Commission. Its staff will be an administrative part of the Library of Congress.

Attachment:
Public Law 93-573



An Act

To amend title 17 of the United States Code to remove the expiration date for a limited copyright in sound recordings, to increase the criminal penalties for piracy and counterfeiting of sound recordings, to extend the duration of copyright protection in certain cases, to establish a National Commission on New Technological Uses of Copyrighted Works, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Copyrights.

TITLE I—AMEND TITLE 17 UNITED STATES CODE, AND FOR OTHER PURPOSES

SEC. 101. Section 3 of the Act of October 15, 1971 (85 Stat. 391), is amended by striking out “and before January 1, 1975”.

17 USC 1
note.

SEC. 102. Section 104 of title 17, United States Code, is amended—

(1) by striking out “Any person” and inserting in lieu thereof “(a) Except as provided in subsection (b), any person”; and

(2) by adding at the end thereof the following new subsection:

“(b) Any person who willfully and for profit shall infringe any copyright provided by section 1(f) of this title, or who should knowingly and willfully aid or abet such infringement, shall be fined not more than \$25,000 or imprisoned not more than one year, or both, for the first offense and shall be fined not more than \$50,000 or imprisoned not more than two years, or both, for any subsequent offense.”

Willful in-
fringement,
penalties.

SEC. 103. Section 2318 of title 18, United States Code, is amended by striking out all after “fined” and inserting in lieu thereof “not more than \$25,000 or imprisoned for not more than one year, or both, for the first offense and shall be fined not more than \$50,000 or imprisoned not more than two years, or both, for any subsequent offense.”

SEC. 104. In any case in which the renewal term of copyright subsisting in any work on the date of approval of this bill, or the term thereof as extended by Public Law 87-668, by Public Law 89-142, by Public Law 90-141, by Public Law 90-416, by Public Law 91-147, by Public Law 91-555, by Public Law 92-170, or by Public Law 92-566 (or by all or certain of said laws), would expire prior to December 31, 1976, such term is hereby continued until December 31, 1976.

Renewal term,
continuation.
17 USC 24
note.

TITLE II—NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

ESTABLISHMENT AND PURPOSE OF COMMISSION

SEC. 201. (a) There is hereby created in the Library of Congress a National Commission on New Technological Uses of Copyrighted Works (hereafter called the Commission).

17 USC 201
note.

(b) The purpose of the Commission is to study and compile data on:

(1) the reproduction and use of copyrighted works of authorship—

(A) in conjunction with automatic systems capable of storing, processing, retrieving, and transferring information, and

(B) by various forms of machine reproduction, not including reproduction by or at the request of instructors for use in face-to-face teaching activities; and

(2) the creation of new works by the application or intervention of such automatic systems or machine reproduction.

(c) The Commission shall make recommendations as to such changes

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in copyright law or procedures that may be necessary to assure for such purposes access to copyrighted works, and to provide recognition of the rights of copyright owners.

MEMBERSHIP OF THE COMMISSION

17 USC 201
note.

SEC. 202. (a) The Commission shall be composed of thirteen voting members, appointed as follows:

(1) Four members, to be appointed by the President, selected from authors and other copyright owners;

(2) Four members, to be appointed by the President, selected from users of copyright works;

(3) Four nongovernmental members to be appointed by the President, selected from the public generally, with at least one member selected from among experts in consumer protection affairs;

(4) The Librarian of Congress.

(b) The President shall appoint a Chairman, and a Vice Chairman who shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office, from among the four members selected from the public generally, as provided by clause (3) of subsection (a). The Register of Copyrights shall serve ex officio as a nonvoting member of the Commission.

(c) Seven voting members of the Commission shall constitute a quorum.

(d) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original appointment was made.

COMPENSATION OF MEMBERS OF COMMISSION

17 USC 201
note.

SEC. 203. (a) Members of the Commission, other than officers or employees of the Federal Government, shall receive compensation at the rate of \$100 per day while engaged in the actual performance of Commission duties, plus reimbursement for travel, subsistence, and other necessary expenses in connection with such duties.

(b) Any members of the Commission who are officers or employees of the Federal Government shall serve on the Commission without compensation, but such members shall be reimbursed for travel, subsistence, and other necessary expenses in connection with the performance of their duties.

STAFF

17 USC 201
note.

SEC. 204. (a) To assist in its studies, the Commission may appoint a staff which shall be an administrative part of the Library of Congress. The staff shall be headed by an Executive Director, who shall be responsible to the Commission for the Administration of the duties entrusted to the staff.

(b) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed \$100 per day.

EXPENSES OF THE COMMISSION

Appropriation.
17 USC 201
note.

SEC. 205. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title until June 30, 1976.

REPORTS

SEC. 206. (a) Within one year after the first meeting of the Commission it shall submit to the President and the Congress a preliminary report on its activities.

Reports to President and Congress. 17 USC 201 note.

(b) Within three years after the enactment of this Act the Commission shall submit to the President and the Congress a final report on its study and investigation which shall include its recommendations and such proposals for legislation and administrative action as may be necessary to carry out its recommendations.

(c) In addition to the preliminary report and final report required by this section, the Commission may publish such interim reports as it may determine, including but not limited to consultant's reports, transcripts of testimony, seminar reports, and other Commission findings.

POWERS OF THE COMMISSION

SEC. 207. (a) The Commission or, with the authorization of the Commission, any three or more of its members, may, for the purpose of carrying out the provisions of this title, hold hearings, administer oaths, and require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of documentary material.

17 USC 201 note.

(b) With the consent of the Commission, any of its members may hold any meetings, seminars, or conferences considered appropriate to provide a forum for discussion of the problems with which it is dealing.

TERMINATION

SEC. 208. On the sixtieth day after the date of the submission of its final report, the Commission shall terminate and all offices and employment under it shall expire.

17 USC 201 note.

Approved December 31, 1974.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-1581 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 120 (1974):

Sept. 9, considered and passed Senate.

Dec. 19, considered and passed House, amended; Senate concurred in House amendments.

May 1975-5,000

