

The Constitutional Provision Respecting Copyright

The Congress shall have Power ... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

United States Constitution, Article I, Section 8

DEDICATION

This edition is dedicated to Marybeth Peters, the eleventh Register of Copyrights of the United States, who served in that capacity from 1994 until the end of 2010. As the Register of Copyrights for over sixteen years, Marybeth was instrumental in the consideration and enactment of most of the forty amendments to Title 17 that were enacted during her tenure, including the most recent amendments incorporated into this edition. Her advice and counsel on copyright law and policy matters were, and continue to be, valued by Members of Congress on both sides of the aisle and by the copyright community at large.

Preface

This volume contains the text of title 17 of the *United States Code*, including all amendments enacted through December 9, 2010, in the second session of the 111th Congress. This publication includes the Copyright Act of 1976 and all subsequent amendments to copyright law; the Semiconductor Chip Protection Act of 1984, as amended; and the Vessel Hull Design Protection Act, as amended. The Copyright Office is responsible for registering intellectual property claims under all three.

The United States copyright law is contained in chapters 1 through 8 and 10 through 12 of title 17 of the *United States Code*. The Copyright Act of 1976, which provides the basic framework for the current copyright law, was enacted on October 19, 1976, as Pub. L. No. 94-553, 90 Stat. 2541. The 1976 Act was a comprehensive revision of the copyright law in title 17. Listed below in chronological order of their enactment are subsequent amendments to title 17.

Chapters 9 and 13 of title 17 contain two types of design protection that are independent of copyright protection. Chapter 9 of title 17 is the Semiconductor Chip Protection Act of 1984 (SCPA), as amended. On November 8, 1984, the SCPA was enacted as title III of Pub. L. No. 98-620, 98 Stat. 3335, 3347. Chapter 13 of title 17 is the Vessel Hull Design Protection Act (VHDPA). It was enacted on October 28, 1998, as title V of the Digital Millennium Copyright Act (DMCA), Pub. L. No. 105-304, 112 Stat. 2860, 2905. Subsequent amendments to the title 17 provisions for SCPA and the VHDPA are also included in the list below, in chronological order of their enactment.

Significant copyright legislation enacted since the last printed edition of this circular in October 2007 includes the Satellite Television Extension and Localism Act of 2010. For more details, this statute appears at the end of the chronological list below of statutory enactments that amend title 17 of the *United States Code*.

For transitional and supplementary provisions that do not amend title 17, see the appendices.

Statutory Enactments Contained in Title 17 of the *United States Code*

- [Copyright Act of 1976], Pub. L. No. 94-553, 90 Stat. 2541 (for the general revision of copyright law, title 17 of the *United States Code*, and for other purposes), October 19, 1976.
- Legislative Branch Appropriation Act, 1978, Pub. L. No. 95-94, 91 Stat. 653, 682 (amending §203 and §708, title 17, *United States Code*, regarding the deposit

- of moneys by the Register of Copyrights in the Treasury of the United States), enacted August 5, 1977.
- [Copyright Amendments], Pub. L. No. 95-598, 92 Stat. 2549, 2676 (amending §201(e), title 17, *United States Code*, to permit involuntary transfer under the Bankruptcy Law), enacted November 6, 1978.
 - [Copyright Amendments], Pub. L. No. 96-517, 94 Stat. 3015, 3028 (amending §101 and §117, title 17, *United States Code*, regarding computer programs), enacted December 12, 1980.
 - Piracy and Counterfeiting Amendments Act of 1982, Pub. L. No. 97-180, 96 Stat. 91, 93 (amending §506(a), title 17, *United States Code* and title 18 of the *United States Code*), enacted May 24, 1982.
 - [Copyright Amendments], Pub. L. No. 97-215, 96 Stat. 178 (amending the manufacturing clause in chapter 6, title 17, *United States Code*), enacted July 13, 1982.
 - [Copyright Amendments], Pub. L. No. 97-366, 96 Stat. 1759 (amending §110 and §708, title 17, *United States Code*, regarding the redesignation of registration fees as filing fees, and the exemption from copyright liability of certain performances of nondramatic literary or musical works), enacted October 25, 1982.
 - Record Rental Amendment of 1984, Pub. L. No. 98-450, 98 Stat. 1727 (amending §109 and §115, title 17, *United States Code*, with respect to rental, lease or lending of sound recordings), enacted October 4, 1984.
 - Semiconductor Chip Protection Act of 1984, title III of Pub. L. No. 98-620, 98 Stat. 3335, 3347 (adding chapter 9, title 17, *United States Code*, to provide design protection for semiconductor chips), November 8, 1984.
 - [Copyright Amendments], Pub. L. No. 99-397, 100 Stat. 848 (amending §111 and §801, title 17, *United States Code*, to clarify the definition of the local service area of a primary transmitter in the case of a low power television station), enacted on August 27, 1986.
 - [Amendments to the Semiconductor Chip Protection Act of 1984], Pub. L. No. 100-159, 101 Stat. 899 (amending chapter 9, title 17, *United States Code*, regarding protection extended to semiconductor chip products of foreign entities), enacted November 9, 1987.
 - Berne Convention Implementation Act of 1988, Pub. L. No. 100-568, 102 Stat. 2853, enacted October 31, 1988. (See Appendix J for certain provisions of this Act that do not amend title 17 of the *United States Code*.)

- [Copyright Amendments], Pub. L. No. 100-617, 102 Stat. 3194 (extending for an additional eight-year period certain provisions of title 17, *United States Code*, relating to the rental of sound recordings and for other purposes), enacted November 5, 1988.
- Satellite Home Viewer Act of 1988, title II of Pub. L. No. 100-667, 102 Stat. 3935, 3949, enacted November 16, 1988.
- Judicial Improvements and Access to Justice Act, Pub. L. No. 100-702, 102 Stat. 4642, 4672 (amending §912, title 17, *United States Code*), enacted November 19, 1988.
- Copyright Fees and Technical Amendments Act of 1989, Pub. L. No. 101-318, 104 Stat. 287, enacted on July 3, 1990.
- Copyright Royalty Tribunal Reform and Miscellaneous Pay Act of 1989, Pub. L. No. 101-319, 104 Stat. 290, enacted July 3, 1990.
- Copyright Remedy Clarification Act, Pub. L. No. 101-553, 104 Stat. 2749, enacted November 15, 1990.
- Visual Artists Rights Act of 1990, title VI of the Judicial Improvements Act of 1990, Pub. L. No. 101-650, 104 Stat. 5089, 5128, enacted December 1, 1990.
- Architectural Works Copyright Protection Act, title VII of the Judicial Improvements Act of 1990, Pub. L. No. 101-650, 104 Stat. 5089, 5133, enacted December 1, 1990.
- Computer Software Rental Amendments Act of 1990, title VIII of the Judicial Improvements Act of 1990, Pub. L. No. 101-650, 104 Stat. 5089, 5134, enacted December 1, 1990.
- Semiconductor International Protection Extension Act of 1991, Pub. L. No. 102-64, 105 Stat. 320 (amending chapter 9, title 17, *United States Code*, regarding protection extended to semiconductor chip products of foreign entities), enacted June 28, 1991.
- Copyright Amendments Act of 1992, Pub. L. No. 102-307, 106 Stat. 264, 272 (amending chapter 3, title 17, *United States Code*, as described immediately below and by deleting subsection 108(i)), enacted June 26, 1992. (Also, through an independent provision that does not amend title 17 of the *United States Code*, the Act established the National Film Registry under title II, which is the National Film Preservation Act of 1992.)
- Copyright Renewal Act of 1992, title I of the Copyright Amendments Act of 1992, Pub. L. No. 102-307, 106 Stat. 264 (amending chapter 3, title 17 of the *United States Code*, by providing for automatic renewal of copyright for works copyrighted between January 1, 1964, and December 31, 1977), enacted June 26, 1992.

- [Copyright Amendments], Pub. L. No. 102-492, 106 Stat. 3145 (amending §107, title 17, *United States Code*, regarding unpublished works), enacted October 24, 1992.
- [Copyright Amendments], Pub. L. No. 102-561, 106 Stat. 4233 (amending §2319, title 18, *United States Code*, regarding criminal penalties for copyright infringement), enacted October 28, 1992.
- Audio Home Recording Act of 1992, Pub. L. No. 102-563, 106 Stat. 4237 (amending title 17 of the *United States Code* by adding a new chapter 10), enacted October 28, 1992.
- North American Free Trade Agreement Implementation Act, Pub. L. No. 103-182, 107 Stat. 2057, 2114 and 2115 (amending §109, title 17, *United States Code*, and adding a new §104A), enacted December 8, 1993.
- Copyright Royalty Tribunal Reform Act of 1993, Pub. L. No. 103-198, 107 Stat. 2304 (amending, *inter alia*, chapter 8, title 17, *United States Code*), enacted December 17, 1993.
- Satellite Home Viewer Act of 1994, Pub. L. No. 103-369, 108 Stat. 3477 (amending, *inter alia*, §111 and §119, title 17, *United States Code*, relating to the definition of a local service area of a primary transmitter), enacted October 18, 1994.
- Uruguay Round Agreements Act, Pub. L. No. 103-465, 108 Stat. 4809, 4973 (amending, *inter alia*, §104, title 17, *United States Code*, and adding a new chapter 11), enacted December 8, 1994. (See Appendix J for the text of certain provisions of this Act that do not amend title 17 of the *United States Code*.)
- Digital Performance Right in Sound Recordings Act of 1995, Pub. L. No. 104-39, 109 Stat. 336 (amending, *inter alia*, §114 and §115, title 17, *United States Code*), enacted November 1, 1995.
- Anticounterfeiting Consumer Protection Act of 1996, Pub. L. No. 104-153, 110 Stat. 1386, 1388 (amending §603(c), title 17, *United States Code* and §2318, title 18, *United States Code*), enacted July 2, 1996.
- Legislative Branch Appropriations Act, 1997, Pub. L. No. 104-197, 110 Stat. 2394, 2416 (amending, *inter alia*, title 17 of the *United States Code*, by adding a new §121 concerning the limitation on exclusive copyrights for literary works in specialized format for the blind and disabled), enacted September 16, 1996.
- [Copyright Amendments and Amendments to the Semiconductor Chip Protection Act of 1984], Pub. L. No. 105-80, 111 Stat. 1529 (making technical amendments to certain provisions of title 17, *United States Code*), enacted November 13, 1997.

- No Electronic Theft (NET) Act, Pub. L. No. 105-147, 111 Stat. 2678, enacted December 16, 1997.
- Sonny Bono Copyright Term Extension Act, title I of Pub. L. No. 105-298, 112 Stat. 2827 (amending chapter 3, title 17, *United States Code*, to extend the term of copyright protection for most works to life plus 70 years), enacted October 27, 1998.
- Fairness in Music Licensing Act of 1998, title II of Pub. L. No. 105-298, 112 Stat. 2827, 2830 (amending, *inter alia*, §110, title 17, *United States Code*, and adding §513 to provide a music licensing exemption for food service and drinking establishments), enacted October 27, 1998.
- Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860, 2887 (title IV amending §108, §112, §114, chapter 7 and chapter 8, title 17, *United States Code*), enacted October 28, 1998. (This Act also contains four separate acts within titles I, II, III, and V that amended title 17 of the *United States Code*. These four acts are each separately listed below. See Appendix B for additional provisions of this Act that do not amend title 17 of the *United States Code*.)
- WIPO Copyright and Performances and Phonograms Treaties Implementation Act of 1998, title I of the Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860, 2861 (amending title 17 of the *United States Code*, *inter alia*, to add a new chapter 12 which prohibits circumvention of copyright protection systems and provides protection for copyright management information), enacted October 28, 1998.
- Online Copyright Infringement Liability Limitation Act, title II of the Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860, 2877 (amending title 17 of the *United States Code*, to add a new §512), enacted October 28, 1998.
- Computer Maintenance Competition Assurance Act, title III of the Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860, 2886 (amending §117, title 17, *United States Code*), enacted October 28, 1998.
- Vessel Hull Design Protection Act, title V of the Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860, 2905 (adding chapter 13, title 17, *United States Code*, to provide design protection for vessel hulls), enacted October 28, 1998.
- [Copyright Amendments and Amendments to the Vessel Hull Design Protection Act], Pub. L. No. 106-44, 113 Stat. 221 (making technical corrections to title 17 of the *United States Code*), enacted August 5, 1999.

- Satellite Home Viewer Improvement Act of 1999, title I of the Intellectual Property and Communications Omnibus Reform Act of 1999, Pub. L. No. 106-113, 113 Stat. 1501, app. I (amending chapters 1 and 5 of title 17 of the *United States Code* to replace the Satellite Home Viewer Act of 1994 and amending chapters 12 and 13 of title 17), enacted November 29, 1999.
- Digital Theft Deterrence and Copyright Damages Improvement Act of 1999, Pub. L. No. 106-160, 113 Stat 1774, (amending chapter 5 of title 17 of the *United States Code* to increase statutory damages for copyright infringement), enacted December 9, 1999.
- Work Made for Hire and Copyright Corrections Act of 2000, Pub. L. No. 106-379, 114 Stat. 1444 (amending the definition of works made for hire in title 17 of the *United States Code*, amending chapter 7 of title 17, including changing the language regarding Copyright Office fees, and making other technical and conforming amendments to title 17), enacted October 27, 2000.
- Intellectual Property and High Technology Technical Amendments Act of 2002, Division C, Title III, Subtitle B of the 21st Century Department of Justice Appropriations Authorization Act, Pub. L. No. 107-273, 116 Stat. 1758, 1901 (making technical corrections both to title 17, *United States Code*, and, as described in footnotes where appropriate, to title I of the Intellectual Property and Communications Omnibus Reform Act of 1999, entitled the Satellite Home Viewer Improvement Act of 1999, Pub. L. No. 106-113, 113 Stat. 1501, app. I), enacted November 2, 2002.
- Technology, Education, and Copyright Harmonization Act of 2002, Division C, Title III, Subtitle C of the 21st Century Department of Justice Appropriations Authorization Act, Pub. L. No. 107-273, 116 Stat. 1758, 1910 (amending chapter 1, title 17, *United States Code*, to incorporate provisions relating to use of copyrighted works for distance education), enacted November 2, 2002.
- Small Webcaster Settlement Act of 2002, Pub. L. No. 107-321, 116 Stat. 2780 (amending chapter 1, title 17, *United States Code*, to incorporate new language into section 114), enacted December 4, 2002.
- Copyright Royalty and Distribution Reform Act of 2004, Pub. L. No. 108-419, 118 Stat. 2341 (revising chapter 8, title 17, *United States Code*, in its entirety), enacted November 30, 2004.
- Individuals with Disabilities Education Improvement Act of 2004, Title III, Pub. L. No. 108-446, 118 Stat. 2647, 2807 (amending section 121, title 17, *United States Code*, to further expand authorized reproduction of copyrighted works for the blind or people with other disabilities), enacted December 3, 2004.
- Satellite Home Viewer Extension and Reauthorization Act of 2004, Title IX, Division J of the Consolidated Appropriations Act, 2005, Pub. L. No. 108-447,

- 118 Stat. 2809, 3393 (amending section 119, title 17, *United States Code* throughout and by extending for an additional five years the statutory license for satellite carriers retransmitting over-the-air television broadcast stations to their subscribers), enacted December 8, 2004.
- Anti-counterfeiting Amendments Act of 2004, Title I of the Intellectual Property Protection and Courts Amendments Act of 2004, Pub. L. No. 108-482, 118 Stat. 3912 (amending section 2318, title 18, of the *United States Code* concerning trafficking in counterfeit or illicit labels in connection with stolen copyrighted works), enacted December 23, 2004.
 - Fraudulent Online Identity Sanctions Act, Title II of the Intellectual Property Protection and Courts Amendments Act of 2004, Pub. L. No. 108-482, 118 Stat. 3912, 3916 (amending section 504(c), title 17, *United States Code*, to add language making it a criminal violation to knowingly provide false contact information for a domain name that is used in connection with copyright infringement when registering the domain name with authorities), enacted December 23, 2004.
 - Artists' Rights and Theft Prevention Act of 2005 (also known as the "ART Act"), Title I of the Family Entertainment and Copyright Act of 2005, Pub. L. No. 109-9, 119 Stat. 218 (amending chapter 113, title 18, *United States Code*, to add a new section 2319B authorizing criminal penalties for unauthorized recording of motion pictures; amends section 506(a), title 17, *United States Code*, in its entirety; amending section 2319, title 18, *United States Code*, by adding criminal penalties for section 506(a); amending section 408, title 17, *United States Code*, by adding new language authorizing preregistration of works being prepared for commercial distribution; and directing the United States Sentencing Commission to establish policies and guidelines for intellectual property crimes), enacted April 27, 2005.
 - Family Movie Act of 2005, Title II of the Family Entertainment and Copyright Act of 2005, Pub. L. No. 109-9, 119 Stat. 218, 223 (amending section 110, title 17, *United States Code*, to add a new exemption from infringement for imperceptible skipping of audio and video content in motion pictures), enacted April 27, 2005.
 - Preservation of Orphan Works Act, Title IV of the Family Entertainment and Copyright Act of 2005, Pub. L. No. 109-9, 119 Stat. 218, 226 (amending section 108(i), title 17, *United States Code*, to add orphan works to the list of works that are exempt from certain limitations on uses by libraries and archives), enacted April 27, 2005.
 - Copyright Royalty Judges Program Technical Corrections Act, Pub. L. No. 109-303, 120 Stat. 1478 (to make clarifying and technical corrections to chapter 8, *United States Code*, and related conforming amendments), enacted October 6, 2006.

- Prioritizing Resources and Organization for Intellectual Property Act of 2008, Pub. L. No. 110-403, 122 Stat. 4256 (amending civil and criminal provisions in chapters 4, 5 and 6, title 17, *United States Code*, and related provisions in title 28, *United States Code*), enacted October 13, 2008.
- Vessel Hull Design Protection Amendments of 2008, Pub. L. No. 110-434, 122 Stat. 4972 (amending definitions in section 1301), enacted October 16, 2008.
- Webcaster Settlement Act of 2008, Pub. L. No. 110-435, 122 Stat. 4974 (amending section 114 to implement the webcaster settlement agreement), enacted October 16, 2008.
- Webcaster Settlement Act of 2009, Pub. L. No. 111-36, 123 Stat. 1926 (amending section 114 to authorize 30-day negotiation period for webcasters and copyright holders), enacted June 30, 2009.
- Department of Defense Appropriations Act, 2010, Pub. L. No. 111-118, 123 Stat. 3409 (amending section 119, title 17, *United States Code*, to extend certain time periods to February 28, 2010, and to repeal section 4(a) of the Satellite Home Viewer Act of 1994), enacted December 19, 2009.
- Temporary Extension Act of 2010, Pub. L. No. 111-144, 124 Stat. 42 (amending section 119, title 17, *United States Code*, to extend certain time periods to March 28, 2010) enacted March 2, 2010.
- Satellite Television Extension Act of 2010, Pub. L. No. 111-151, 124 Stat. 1027 (amending section 119, title 17, *United States Code*, to extend certain time periods to April 30, 2010) enacted March 26, 2010.
- Continuing Extension Act of 2010, Pub. L. No. 111-157, 124 Stat. 1116 (amending section 119, title 17, *United States Code*, to extend certain time periods to May 31, 2010) enacted April 15, 2010.
- Satellite Television Extension and Localism Act of 2010, Pub. L. No. 111-175, 124 Stat. 1218 (amending sections 111, 119, 122, 708, and 804 of title 17, *United States Code*) enacted May 27, 2010.
- Copyright Cleanup, Clarification, and Corrections Act of 2010, Pub. L. No. 111-295, 124 Stat. 3180 (making miscellaneous clarifying, conforming, and technical corrections throughout title 17 *United States Code* and section 2318, title 18 *United States Code*, and repealing section 601, title 17 *United States Code*) enacted December 9, 2010.

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