

110TH CONGRESS
1ST SESSION

H. R. 1201

To amend title 17, United States Code, to promote innovation, to encourage the introduction of new technology, to enhance library preservation efforts, and to protect the fair use rights of consumers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2007

Mr. BOUCHER (for himself, Mr. DOOLITTLE, and Ms. ZOE LOFGREN of California) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 17, United States Code, to promote innovation, to encourage the introduction of new technology, to enhance library preservation efforts, and to protect the fair use rights of consumers, and for other purposes.

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 “Freedom and Innova-
5 tion Revitalizing U.S. Entrepreneurship Act of 2007”.

1 **SEC. 2. COPYRIGHT INFRINGEMENT.**

2 (a) **STATUTORY DAMAGES ADJUSTMENT.**—Section
3 504(c)(2) of title 17, United States Code, is amended by
4 adding at the end the following: “The court shall remit
5 statutory damages for secondary infringement, except in
6 a case in which the copyright owner sustains the burden
7 of proving, and the court finds, that the act or acts consti-
8 tuting such secondary infringement were done under cir-
9 cumstances in which no reasonable person could have be-
10 lieved such conduct to be lawful.”

11 (b) **CODIFICATION OF SUPREME COURT PRECEDENT**
12 **APPLICABLE TO HARDWARE DEVICES.**—Section 501 of
13 title 17, United States Code, is amended by adding at the
14 end the following:

15 “(g) **CERTAIN HARDWARE DEVICES.**—No person
16 shall be liable for copyright infringement based on the de-
17 sign, manufacture, or distribution of a hardware device or
18 of a component of the device if the device is capable of
19 substantial, commercially significant noninfringing use.”.

20 **SEC. 3. DMCA AMENDMENTS.**

21 (a) **CODIFICATION OF DETERMINATION OF LIBRAR-**
22 **IAN OF CONGRESS.**—Section 1201(a)(1) of title 17,
23 United States Code, is amended by adding at the end the
24 following new subparagraph:

25 “(F) The prohibition contained in subparagraph (A)
26 shall not apply to a person by reason of that person’s en-

1 gaging in a noninfringing use of any of the 6 classes of
2 copyrighted works set forth in the determination of the
3 Librarian of Congress in Docket No. RM 2005–11, as
4 published as a final rule by the Copyright Office, Library
5 of Congress, effective November 27, 2006 (71 FR 68472
6 (Nov. 27, 2006)).”.

7 (b) EXTENSION OF DETERMINATIONS OF LIBRARIAN
8 OF CONGRESS.—Section 1201(a)(1) of title 17, United
9 States Code, is amended by adding at the end the fol-
10 lowing new subparagraph:

11 “(G) The prohibition contained in subparagraph (A)
12 shall not apply to—

13 “(i) an act of circumvention that is carried out
14 solely for the purpose of making a compilation of
15 portions of audiovisual works in the collection of a
16 library or archives for educational use in a classroom
17 by an instructor;

18 “(ii) an act of circumvention that is carried out
19 solely for the purpose of enabling a person to skip
20 past or to avoid commercial or personally objection-
21 able content in an audiovisual work;

22 “(iii) an act of circumvention that is carried out
23 solely for the purpose of enabling a person to trans-
24 mit a work over a home or personal network, except
25 that this exemption does not apply to the circumven-

1 tion of a technological measure to the extent that it
2 prevents uploading of the work to the Internet for
3 mass, indiscriminate redistribution;

4 “(iv) an act of circumvention that is carried out
5 solely for the purpose of gaining access to one or
6 more works in the public domain that are included
7 in a compilation consisting primarily of works in the
8 public domain;

9 “(v) an act of circumvention that is carried out
10 to gain access to a work of substantial public inter-
11 est solely for purposes of criticism, comment, news
12 reporting, scholarship, or research; or

13 “(vi) an act of circumvention that is carried out
14 solely for the purpose of enabling a library or ar-
15 chives meeting the requirements of section
16 108(a)(2), with respect to works included in its col-
17 lection, to preserve or secure a copy or to replace a
18 copy that is damaged, deteriorating, lost, or stolen.”.

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