AN ACT

To clarify, improve, and correct the laws relating to copyrights.

1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

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

SEC. 2. COPYRIGHT OFFICE PROCEDURES.

Title 17, United States Code, is amended—

(1) in section 512(c)(2), in the matter following subparagraph (B), by striking “, in both electronic and hard copy formats”; and

(2) in section 205(a), by adding at the end the following: “A sworn or official certification may be submitted to the Copyright Office electronically, pursuant to regulations established by the Register of Copyrights.”.

SEC. 3. REPEAL OF EXPIRED PROVISIONS.

(a) TECHNICAL AMENDMENTS RELATED TO CHAPTER 6.—

(1) The heading for chapter 6 of title 17, United States Code, is amended to read as follows: “Chapter 6—Importation and Exportation.”.

(2) The item relating to chapter 6 in the table of chapters for title 17, United States Code, is amended to read as follows:

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

(b) REPEAL.—Section 601 of title 17, United States Code, is hereby repealed and reserved.

(c) CONFORMING AMENDMENTS.—
(1) Section 409 of title 17, United States Code, is amended—

(A) in paragraph (9), by insert “and” after the semicolon;

(B) by striking paragraph (10); and

(C) by redesignating paragraph (11) as paragraph (10).

(2) The first sentence of section 602(b) of title 17, United States Code, is amended by striking “unless the provisions of section 601 are applicable”.

SEC. 4. CLARIFICATIONS.

(a) TRANSFER OF OWNERSHIP.—The second sentence of section 201(d)(2), of title 17, United States Code, is amended by adding before the period the following: “, including the right to transfer or license the exclusive right to another person in the absence of a written agreement to the contrary”.

(b) CERTAIN DISTRIBUTIONS OF PHONORECORDS.—Section 303(b) of title 17, United States Code, is amended by striking “the musical work” and inserting “any musical work, dramatic work, or literary work”.

(c) PROCEEDINGS OF COPYRIGHT ROYALTY JUDGES.—Section 803(b)(6)(A) of title 17, United States Code, is amended by striking the second sentence and inserting: “All regulations issued by the Copyright Royalty
Judges are subject to the approval of the Librarian of Congress and are subject to judicial review pursuant to Chapter 7 of title 5, United States Code, except as set forth in subsection (d)."

(d) LICENSES FOR CERTAIN NONEXEMPT TRANSMISSIONS.—Section 114(f)(2)(C) of title 17, United States Code, is amended by striking “preexisting subscription digital audio transmission services or preexisting satellite digital radio audio services” and inserting “eligible nonsubscription services and new subscription services”.

SEC. 5. TECHNICAL CORRECTIONS.

(a) Title 17, United States Code, is amended—

(1) in section 101—

(A) by moving the definition of “Copyright Royalty Judges” to follow the definition of “Copyright owner”;

(B) by moving the definition of “motion picture exhibition facility” to follow the definition of “Literary works”; and

(C) by moving the definition of “food service or drinking establishment” to follow the definition of “fixed”;

(2) in section 114(f)(2)(B), in the fourth sentence in the matter preceding clause (i), by striking
“Judges shall base its decision” and inserting “Judges shall base their decision”;

(3) in section 119(g)(4)(B)(vi), by striking “the examinations” and inserting “an examination”;

(4) in section 503(a)(1)(B), by striking “copies of phonorecords” and inserting “copies or phonorecords”; and

(5) in section 704(e), in the second sentence, by striking “section 708(a)(10)” and inserting “section 708(a)”.

(b) Section 209(a)(3)(A) of Public Law 110–403, is amended by striking “by striking ‘and 509’” and inserting “by striking ‘and section 509’”.

(c) Section 4(a)(1) of Public Law 111–146 is amended by striking “by corporations attempting” and inserting “the purpose of which is”.

(d) Section 2318(e)(6) of title 18, United States Code, is amended by striking “under section” and inserting “under this section”.

SEC. 6. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record
by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Passed the Senate August 2, 2010.

Attest:

Secretary.
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2d Session
S. 3689
111th Congress