A BILL

To amend the criminal penalty provision for criminal infringement of a copyright, and for other purposes.

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

SECTION 1. CRIMINAL INFRINGEMENT OF A COPYRIGHT.

(a) Amendments to Section 2319 of Title 18.—

Section 2319 of title 18, United States Code, is amend-
ed—

(1) in subsection (b)—
(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) shall be imprisoned not more than 5 years, fined in the amount set forth in this title, or both, if—

“(A) the offense consists of 10 or more public performances by electronic means, during any 180-day period, of 1 or more copyrighted works; and

“(B)(i) the total retail value of the performances, or the total economic value of such public performances to the infringer or to the copyright owner, would exceed $2,500; or

“(ii) the total fair market value of licenses to offer performances of those works would exceed $5,000;”; and

(2) in subsection (f), by striking paragraph (2) and inserting the following:

“(2) the terms ‘reproduction’, ‘distribution’, and ‘public performance’ refer to the exclusive rights of a copyright owner under clauses (1), (3), (4), and (6), respectively of section 106 (relating to exclusive
rights in copyrighted works), as limited by sections
107 through 122, of title 17;”.

(b) Amendment to Section 506 of Title 17.—
Section 506(a) of title 17, United States Code, is amend-
ed—

(1) in paragraph (1)(C), by inserting “or public
performance” after “distribution” the first place it
appears; and

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting “or
public performance” after “unauthorized dis-
tribution”; and

(B) in subparagraph (B), by inserting “or
public performance” after “distribution”.

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Calendar No. 77

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JUNE 20 (legislative day, June 16), 2011

Reported without amendment

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