

PUBLIC LAW 111-295—DEC. 9, 2010

COPYRIGHT CLEANUP, CLARIFICATION, AND
CORRECTIONS ACT OF 2010

Public Law 111-295
111th Congress

An Act

Dec. 9, 2010

[S. 3689]

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

Copyright
Cleanup,
Clarification, and
Corrections Act
of 2010.
17 USC 101 note.

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”.

17 USC 512.

Regulations.

SEC. 2. REFERENCE.

Except as otherwise specifically provided, whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of title 17, United States Code.

SEC. 3. COPYRIGHT OFFICE PROCEDURES.

(a) DIRECTORY OF AGENTS OF SERVICE PROVIDERS.—Section 512(c)(2) is amended, in the matter following subparagraph (B), by striking “, in both electronic and hard copy formats”.

(b) RECORDATION OF DOCUMENTS.—Section 205(a) is amended 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. 4. REPEAL OF EXPIRED PROVISIONS.

(a) REPEAL.—Section 601, and the item relating to such section in the table of sections for chapter 6, are repealed.

(b) CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—(A) The heading for chapter 6 is amended to read as follows:

“CHAPTER 6—IMPORTATION AND EXPORTATION”.

(B) The item relating to chapter 6 in the table of chapters is amended to read as follows:

“6. Importation and Exportation 601”.

(2) APPLICATION FOR COPYRIGHT REGISTRATION.—Section 409 is amended—

(A) in paragraph (9), by adding “and” after the semi-colon;

(B) by striking paragraph (10); and

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

(c) INFRINGING IMPORTATION OR EXPORTATION.—The second sentence of section 602(b) is amended by striking “unless the provisions of section 601 are applicable”. 17 USC 602.

SEC. 5. CLARIFICATIONS.

(a) CERTAIN DISTRIBUTIONS OF PHONORECORDS.—Section 303(b) is amended by striking “the musical work” and inserting “any musical work, dramatic work, or literary work”.

(b) PROCEEDINGS OF COPYRIGHT Royalty JUDGES.—Section 803(b)(6)(A) is amended by striking the second sentence and inserting the following: “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, except as set forth in subsection (d).”.

(c) LICENSES FOR CERTAIN NONEXEMPT TRANSMISSIONS.—Section 114(f)(2)(C) 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. 6. TECHNICAL CORRECTIONS.

(a) DEFINITIONS.—Section 101 is amended—

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

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

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

(b) LICENSES FOR WEBCASTING.—Section 114(f)(2)(B) is amended in the fourth sentence, in the matter preceding clause (i), by striking “Judges shall base its decision” and inserting “Judges shall base their decision”.

(c) SATELLITE CARRIERS.—Section 119(g)(4)(B)(vi) is amended by striking “the examinations” and inserting “an examination”.

(d) REMEDIES FOR INFRINGEMENT.—Section 503(a)(1)(B) is amended by striking “copies of phonorecords” and inserting “copies or phonorecords”.

(e) RETENTION OF COPIES IN COPYRIGHT OFFICE.—Section 704(e) is amended, in the second sentence, by striking “section 708(a)(10)” and inserting “section 708(a)”.

(f) CORRECTION OF INTERNAL REFERENCES.—(1) Section 114(b) is amended by striking “118(g)” and inserting “118(f)”.

(2) Section 504(c)(2) is amended by striking “subsection (g) of section 118” and inserting “section 118(f)”.

(3) Sections 1203(c)(5)(B)(i) and 1204(b) are each amended by striking “118(g)” and inserting “118(f)”.

(g) PRO-IP ACT.—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’”. 17 USC 115.

(h) TRADEMARK TECHNICAL AMENDMENTS ACT.—Section 4(a)(1) of Public Law 111-146 is amended by striking “by corporations attempting” and inserting “the purpose of which is”. *Ante*, p. 70.

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

Approved December 9, 2010.

LEGISLATIVE HISTORY—S. 3689:

CONGRESSIONAL RECORD, Vol. 156 (2010):

Aug. 2, considered and passed Senate.

Nov. 15, considered and passed House, amended.

Nov. 19, Senate concurred in House amendments.

