

105TH CONGRESS
1ST SESSION

H. R. 2180

To amend title 17, United States Code, to provide limitations on copyright liability relating to material on-line, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 1997

Mr. COBLE (for himself and Mr. HYDE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 17, United States Code, to provide limitations on copyright liability relating to material on-line, 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 “On-Line Copyright Li-
5 ability Limitation Act”.

6 **SEC. 2. LIMITATIONS ON LIABILITY.**

7 (a) IN GENERAL.—Chapter 5 of title 17, United
8 States Code, is amended by adding after section 511 the
9 following new section:

1 **“§ 512. Limitations on liability relating to material**
2 **on-line**

3 “(a) EXEMPTIONS.—A person shall not be liable—

4 “(1) for direct infringement, or vicariously lia-
5 ble for the infringing acts of another, based solely on
6 transmitting or otherwise providing access to mate-
7 rial on-line, if the person—

8 “(A) does not initially place the material
9 on-line;

10 “(B) does not generate, select, or alter the
11 content of the material;

12 “(C) does not determine the recipients of
13 the material;

14 “(D) does not receive a financial benefit
15 directly attributable to a particular act of in-
16 fringement;

17 “(E) does not sponsor, endorse, or adver-
18 tise the material; and

19 “(F)(i) does not know, and is not aware by
20 notice or other information indicating, that the
21 material is infringing, or

22 “(ii) is prohibited by law from accessing
23 the material; or

24 “(2) in the case of a finding of contributory in-
25 fringement based solely on conduct for which a per-
26 son is exempt from liability for direct infringement

1 or vicarious liability under paragraph (1), for any
2 remedy other than injunctive relief under section
3 502, except that such injunctive relief shall be avail-
4 able only to the extent that all acts required by such
5 relief are technically feasible and economically rea-
6 sonable to carry out.

7 Nothing in clause (i) of paragraph (1)(F) shall impose an
8 affirmative obligation to seek information described in
9 such clause.

10 “(b) LIMITATION BASED UPON REMOVING, DIS-
11 ABLING, OR BLOCKING ACCESS TO INFRINGING MATE-
12 RIAL.—A person shall not be liable for any claim based
13 on that person’s removing, disabling, or blocking on-line
14 access to material, in response to information by notice
15 or otherwise indicating or alleging that the material is in-
16 fringing, whether or not the material is infringing.

17 “(c) OTHER DEFENSES NOT AFFECTED.—Remov-
18 ing, disabling, or blocking access to material which a per-
19 son transmits or to which a person otherwise provides on-
20 line access, or the failure to do so, shall not adversely bear
21 upon the consideration by a court of a defense to infringe-
22 ment asserted by that person under section 107 or any
23 other provision of law.

24 “(d) MISREPRESENTATIONS.—Any person who know-
25 ingly materially misrepresents that material on-line is in-

1 fringing shall be liable for any damages, including costs
2 and attorneys' fees, incurred by any person who relies
3 upon such misrepresentation in removing, disabling, or
4 blocking access to the material claimed to be infringing.”.

5 (b) CONFORMING AMENDMENT.—The table of sec-
6 tions for chapter 5 of title 17, United States Code, is
7 amended by adding at the end the following:

“512. Limitations on liability relating to material on-line.”

