

115TH CONGRESS  
2D SESSION

# S. 2933

To amend title 17, United States Code, to clarify ownership with respect to certain copyrights, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 23, 2018

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 17, United States Code, to clarify ownership with respect to certain copyrights, 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 “Accessibility for Cura-  
5       tors, Creators, Educators, Scholars, and Society to Re-  
6       cordings Act” or the “ACCESS to Recordings Act”.

7       **SEC. 2. COPYRIGHT PROVISIONS.**

8       Title 17, United States Code, is amended—

9               (1) in section 201, by adding at the end the fol-  
10       lowing:

1       “(f) SOUND RECORDING FIXED BEFORE FEBRUARY  
2 15, 1972.—Notwithstanding any other provision of this  
3 section, with respect to a sound recording fixed before  
4 February 15, 1972, the initial owner of the copyright with  
5 respect to the work for the purposes of this title shall be  
6 the person that owned the copyright, or equivalent right  
7 under State law, under State law on the effective date of  
8 the ACCESS to Recordings Act.”;

9           (2) in section 301—

10               (A) by striking subsection (c); and

11               (B) by redesignating subsections (d), (e),  
12           and (f) as subsections (c), (d), and (e), respec-  
13           tively;

14           (3) in section 303, by adding at the end the fol-  
15           lowing:

16           “(c) Notwithstanding subsection (a) and section 304,  
17 the copyright in a sound recording—

18               “(1) fixed before February 15, 1972, subject to  
19           paragraph (2), subsists from the effective date of the  
20           ACCESS to Recordings Act and endures for a term  
21           of 95 years from its first publication, or a term of  
22           120 years from the year of its creation, whichever  
23           expires first; and

1 “(2) published during the period beginning on  
2 January 1, 1923, and ending on December 31,  
3 1930, endures until December 31, 2025, if—

4 “(A) the copyright owner engages in nor-  
5 mal commercial exploitation of the work  
6 through December 31, 2025; and

7 “(B) before the date on which protection  
8 with respect to the work expires under para-  
9 graph (1), the owner of the copyright submits  
10 to the Register of Copyrights a notice that—

11 “(i) complies with such regulations as  
12 the Register of Copyrights may issue; and

13 “(ii) states that the work is subject to  
14 the normal commercial exploitation de-  
15 scribed in subparagraph (A).”; and

16 (4) in section 412—

17 (A) in paragraph (1), by striking “or” at  
18 the end;

19 (B) in paragraph (2), by striking the pe-  
20 riod at the end and inserting “; or”; and

21 (C) by adding at the end the following:

22 “(3) notwithstanding any other provision of this  
23 section, any infringement of copyright in a sound re-  
24 cording fixed before February 15, 1972, unless the  
25 sound recording has an effective date of registration

1 that is not later than 1 year after the effective date  
2 of the ACCESS to Recordings Act.”.

3 **SEC. 3. TEMPORARY LIMITATION ON INFRINGEMENT AC-**  
4 **TIONS.**

5 During the 3-year period beginning on the effective  
6 date of this Act, an award of statutory damages or of at-  
7 torney’s fees may be made with respect to an infringement  
8 of copyright in a sound recording fixed before February  
9 15, 1972, only if—

10 (1) not later than 180 days before the date on  
11 which the copyright owner brings the action, the  
12 copyright owner provides notice to the alleged in-  
13 fringer regarding—

14 (A) the registration of the work under title  
15 17, United States Code; and

16 (B) the alleged infringement of copyright;  
17 and

18 (2) as of the date on which the copyright owner  
19 brings the action, the alleged infringement has not  
20 ceased.

21 **SEC. 4. REGULATIONS.**

22 Not later than 1 year after the date of enactment  
23 of this Act, the Register of Copyrights may promulgate  
24 regulations to modify the notice, deposit, and registration  
25 requirements under sections 401 through 410 of title 17,

1 United States Code, with respect to a sound recording  
2 fixed before February 15, 1972.

3 **SEC. 5. EFFECTIVE DATE.**

4 Except with respect to any regulations that the Reg-  
5 ister of Copyrights promulgates under section 4, this Act,  
6 and the amendments made by this Act, shall take effect  
7 on the date that is 1 year after the date of enactment  
8 of this Act.

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