

(including information pertaining to subscribers whose information is unlisted or unpublished) that is in its possession or control (including information pertaining to subscribers of other carriers) on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions to providers of emergency services, and providers of emergency support services, solely for purposes of delivering or assisting in the delivery of emergency services.”;

(3) by inserting “location,” after “destination,” in subsection (h)(1)(A) (as redesignated by paragraph (2)); and

(4) by adding at the end of subsection (h) (as redesignated), the following:

“(4) PUBLIC SAFETY ANSWERING POINT.—The term ‘public safety answering point’ means a facility that has been designated to receive emergency calls and route them to emergency service personnel.

“(5) EMERGENCY SERVICES.—The term ‘emergency services’ means 9-1-1 emergency services and emergency notification services.

“(6) EMERGENCY NOTIFICATION SERVICES.—The term ‘emergency notification services’ means services that notify the public of an emergency.

“(7) EMERGENCY SUPPORT SERVICES.—The term ‘emergency support services’ means information or data base management services used in support of emergency services.”.

SEC. 6. DEFINITIONS.

As used in this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(2) STATE.—The term “State” means any of the several States, the District of Columbia, or any territory or possession of the United States.

(3) PUBLIC SAFETY ANSWERING POINT; PSAP.—The term “public safety answering point” or “PSAP” means a facility that has been designated to receive 9-1-1 calls and route them to emergency service personnel.

(4) WIRELESS CARRIER.—The term “wireless carrier” means a provider of commercial mobile services or any other radio communications service that the Federal Communications Commission requires to provide wireless 9-1-1 service.

(5) ENHANCED WIRELESS 9-1-1 SERVICE.—The term “enhanced wireless 9-1-1 service” means any enhanced 9-1-1 service so designated by the Federal Communications Commission in the proceeding entitled “Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 9-1-1 Emergency Calling Systems” (CC Docket No. 94-102; RM-8143), or any successor proceeding.

(6) WIRELESS 9-1-1 SERVICE.—The term “wireless 9-1-1 service” means any 9-1-1 service provided by a wireless carrier, including enhanced wireless 9-1-1 service.

(7) EMERGENCY DISPATCH PROVIDERS.—The term “emergency dispatch providers” shall include governmental and nongovernmental providers of emergency dispatch services.

CENTENNIAL OF FLIGHT COMMEMORATION ACT OF 1999

On August 5, 1999, the Senate passed S. 1072, as follows:

S. 1072

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

SECTION 1. CENTENNIAL OF FLIGHT COMMISSION.

The Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.) is amended—

(1) in section 4—

(A) in subsection (a)—

(i) in paragraphs (1) and (2) by striking “or his designee”;

(ii) in paragraph (3) by striking “, or his designee” and inserting “to represent the interests of the Foundation”; and in paragraph (3) strike the word “chairman” and insert the word “president”;

(iii) in paragraph (4) by striking “, or his designee” and inserting “to represent the interests of the 2003 Committee”;

(iv) in paragraph (5) by inserting before the period “and shall represent the interests of such aeronautical entities”; and

(v) in paragraph (6) by striking “, or his designee”;

(B) by striking subsection (f);

(C) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(D) by inserting after subsection (a) the following:

“(b) ALTERNATES.—Each member described under subsection (a) may designate an alternate who may act in lieu of the member to the extent authorized by the member, including attending meetings and voting.”;

(2) in section 5—

(A) in subsection (a)—

(i) by inserting “provide recommendations and advice to the President, Congress, and Federal agencies on the most effective ways to” after “The Commission shall”;

(ii) by striking paragraph (1); and

(iii) by redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively;

(B) by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

“(b) INTERNATIONAL ACTIVITIES.—The Commission may—

“(1) advise the United States with regard to gaining support for and facilitating international recognition of the importance of aviation history in general and the centennial of powered flight in particular; and

“(2) attend international meetings regarding such activities as advisors to official United States representatives or to gain or provide information for or about the activities of the Commission.”; and

(C) by adding at the end the following:

“(d) ADDITIONAL DUTIES.—The Commission may—

“(1)(A) assemble, write, and edit a calendar of events in the United States (and significant events in the world) dealing with the commemoration of the centennial of flight or the history of aviation;

“(B) actively solicit event information; and

“(C) disseminate the calendar by printing and distributing hard and electronic copies and making the calendar available on a web page on the Internet;

“(2) maintain a web page on the Internet for the public that includes activities related to the centennial of flight celebration and the history of aviation;

“(3) write and produce press releases about the centennial of flight celebration and the history of aviation;

“(4) solicit and respond to media inquiries and conduct media interviews on the centennial of flight celebration and the history of aviation;

“(5) initiate contact with individuals and organizations that have an interest in aviation to encourage such individuals and organizations to conduct their own activities in celebration of the centennial of flight;

“(6) provide advice and recommendations, through the Administrator of the National Aeronautics and Space Administration or the Administrator of the Federal Aviation Administration (or any employee of such an agency head under the direction of that agency head), to individuals and organizations that wish to conduct their own activities in celebration of the centennial of flight,

and maintain files of information and lists of experts on related subjects that can be disseminated on request;

“(7) sponsor meetings of Federal agencies, State and local governments, and private individuals and organizations for the purpose of coordinating their activities in celebration of the centennial of flight; and

“(8) encourage organizations to publish works related to the history of aviation.”;

(3) in section 6(a)—

(A) in paragraph (2)—

(i) by striking the first sentence; and

(ii) in the second sentence—

(I) by striking “the Federal” and inserting “a Federal”; and

(II) by striking “the information” and inserting “information”; and

(B) in paragraph (3) by striking “section 4(c)(2)” and inserting “section 4(d)(2)”;

(4) in section 6(c)(1) by striking “the Commission may” and inserting “the Administrator of the National Aeronautics and Space Administration or the Administrator of the Federal Aviation Administration (or an employee of the respective administration as designated by either Administrator) may, on behalf of the Commission.”;

(5) in section 7—

(A) in subsection (a) in the first sentence—

(i) by striking “There” and inserting “Subject to subsection (h), there”;

(ii) by inserting before the period “or represented on the Advisory Board under section 12(b)(1) (A) through (E)”;

(B) in subsection (b) by striking “The Commission” and inserting “Subject to subsection (h), the Commission”;

(C) by striking subsection (g);

(D) by redesignating subsection (h) as subsection (g); and

(E) by adding at the end the following:

“(h) LIMITATION.—Each member of the Commission described under section 4(a) (3), (4), and (5) may not make personnel decisions, including hiring, termination, and setting terms and conditions of employment.”;

(6) in section 9—

(A) in subsection (a)—

(i) by striking “The Commission may” and inserting “After consultation with the Commission, the Administrator of the National Aeronautics and Space Administration may”; and

(ii) by striking “its duties or that it” and inserting “the duties under this Act or that the Administrator of the National Aeronautics and Space Administration”;

(B) in subsection (b)—

(i) in the first sentence by striking “The Commission shall have” and inserting “After consultation with the Commission, the Administrator of the National Aeronautics and Space Administration may exercise”;

(ii) in the second sentence by striking “that the Commission lawfully adopts” and inserting “adopted under subsection (a)”;

(C) by amending subsection (d) to read as follows:

“(d) USE OF FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), funds from licensing royalties received under this section shall be used by the Commission to carry out the duties of the Commission specified by this Act.

“(2) EXCESS FUNDS.—The Commission shall transfer any portion of funds in excess of funds necessary to carry out the duties described under paragraph (1), to the National Aeronautics and Space Administration to be used for the sole purpose of commemorating the history of aviation or the centennial of powered flight.”;

(7) in section 10—

(A) in subsection (a)—

(i) in the first sentence, by striking “activities of the Commission” and inserting

“actions taken by the Commission in fulfillment of the Commission’s duties under this Act”;

(ii) in paragraph (3), by adding “and” after the semicolon;

(iii) in paragraph (4), by striking the semicolon and “and” and inserting a period; and

(iv) by striking paragraph (5); and

(B) in subsection (b)(1) by striking “activities” and inserting “recommendations”;

(8) in section 12—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraphs (A), (C), (D), and (E), by striking “, or the designee of the Secretary”;

(II) in subparagraph (B), by striking “, or the designee of the Librarian”; and

(III) in subparagraph (F)—

(aa) in clause (i) by striking “government” and inserting “governmental entity”; and

(bb) by amending clause (ii) to read as follows:

“(ii) shall be selected among individuals who—

“(I) have earned an advanced degree related to aerospace history or science, or have actively and primarily worked in an aerospace related field during the 5-year period before appointment by the President; and

“(II) specifically represent 1 or more of the persons or groups enumerated under section 5(a)(1);”;

and

(ii) by adding at the end the following:

“(2) ALTERNATES.—Each member described under paragraph (1) (A) through (E) may designate an alternate who may act in lieu of the member to the extent authorized by the member, including attending meetings and voting.”;

(B) in subsection (h) by striking “section 4(e)” and inserting “section 4(d)”; and

(9) in section 13—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

ANTICYBERSQUATTING CONSUMER PROTECTION ACT

On August 5, 1999, the Senate passed S. 1255, as follows:

S. 1255

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the “Anticybersquatting Consumer Protection Act.”

(b) REFERENCES TO THE TRADEMARK ACT OF 1946.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled “An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. FINDINGS.

Congress finds the following:

(1) The registration, trafficking in, or use of a domain name that is identical or confusingly similar to a trademark or service mark of another that is distinctive at the time of the registration of the domain name, or dilutive of a famous trademark or service mark of another that is famous at the time of the registration of the domain name, without regard to the goods or services of the parties, with the bad-faith intent to profit from the goodwill of another’s mark (commonly referred to as “cyberpiracy” and “cybersquatting”)—

(A) results in consumer fraud and public confusion as to the true source or sponsorship of goods and services;

(B) impairs electronic commerce, which is important to interstate commerce and the United States economy;

(C) deprives legitimate trademark owners of substantial revenues and consumer goodwill; and

(D) places unreasonable, intolerable, and overwhelming burdens on trademark owners in protecting their valuable trademarks.

(2) Amendments to the Trademark Act of 1946 would clarify the rights of a trademark owner to provide for adequate remedies and to deter cyberpiracy and cybersquatting.

SEC. 3. CYBERPIRACY PREVENTION.

(a) IN GENERAL.—Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended by inserting at the end the following:

“(d)(1)(A) A person shall be liable in a civil action by the owner of a trademark or service mark if, without regard to the goods or services of the parties, that person—

“(i) has a bad faith intent to profit from that trademark or service mark; and

“(ii) registers, traffics in, or uses a domain name that—

“(I) in the case of a trademark or service mark that is distinctive at the time of registration of the domain name, is identical or confusingly similar to such mark; or

“(II) in the case of a famous trademark or service mark that is famous at the time of registration of the domain name, is dilutive of such mark.

“(B) In determining whether there is a bad-faith intent described under subparagraph (A), a court may consider factors such as, but not limited to—

“(i) the trademark or other intellectual property rights of the person, if any, in the domain name;

“(ii) the extent to which the domain name consists of the legal name of the person or a name that is otherwise commonly used to identify that person;

“(iii) the person’s prior use, if any, of the domain name in connection with the bona fide offering of any goods or services;

“(iv) the person’s legitimate noncommercial or fair use of the mark in a site accessible under the domain name;

“(v) the person’s intent to divert consumers from the mark owner’s online location to a site accessible under the domain name that could harm the goodwill represented by the mark, either for commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the site;

“(vi) the person’s offer to transfer, sell, or otherwise assign the domain name to the mark owner or any third party for substantial consideration without having used, or having an intent to use, the domain name in the bona fide offering of any goods or services;

“(vii) the person’s intentional provision of material and misleading false contact information when applying for the registration of the domain name; and

“(viii) the person’s registration or acquisition of multiple domain names which are identical or confusingly similar to trademarks or service marks of others that are distinctive at the time of registration of such domain names, or dilutive of famous trademarks or service marks of others that are famous at the time of registration of such domain names, without regard to the goods or services of such persons.

“(C) In any civil action involving the registration, trafficking, or use of a domain name under this paragraph, a court may order the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark.

“(D) A use of a domain name described under subparagraph (A) shall be limited to a

use of the domain name by the domain name registrant or the domain name registrant’s authorized licensee.

“(2)(A) The owner of a mark may file an in rem civil action against a domain name if—

“(i) the domain name violates any right of the registrant of a mark registered in the Patent and Trademark Office, or section 43 (a) or (c); and

“(ii) the court finds that the owner has demonstrated due diligence and was not able to find a person who would have been a defendant in a civil action under paragraph (1).

“(B) The remedies of an in rem action under this paragraph shall be limited to a court order for the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark.”

(b) ADDITIONAL CIVIL ACTION AND REMEDY.—The civil action established under section 43(d)(1) of the Trademark Act of 1946 (as added by this section) and any remedy available under such action shall be in addition to any other civil action or remedy otherwise applicable.

SEC. 4. DAMAGES AND REMEDIES.

(a) REMEDIES IN CASES OF DOMAIN NAME PIRACY.—

(1) INJUNCTIONS.—Section 34(a) of the Trademark Act of 1946 (15 U.S.C. 1116(a)) is amended in the first sentence by striking “section 43(a)” and inserting “section 43 (a), (c), or (d)”.

(2) DAMAGES.—Section 35(a) of the Trademark Act of 1946 (15 U.S.C. 1117(a)) is amended in the first sentence by inserting “, (c), or (d)” after “section 43 (a)”.

(b) STATUTORY DAMAGES.—Section 35 of the Trademark Act of 1946 (15 U.S.C. 1117) is amended by adding at the end the following:

“(d) In a case involving a violation of section 43(d)(1), the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits, an award of statutory damages in the amount of not less than \$1,000 and not more than \$100,000 per domain name, as the court considers just. The court shall remit statutory damages in any case in which an infringer believed and had reasonable grounds to believe that use of the domain name by the infringer was a fair or otherwise lawful use.”

SEC. 5. LIMITATION ON LIABILITY.

Section 32(2) of the Trademark Act of 1946 (15 U.S.C. 1114) is amended—

(1) in the matter preceding subparagraph (A) by striking “under section 43(a)” and inserting “under section 43 (a) or (d)”; and

(2) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

“(D)(i) A domain name registrar, a domain name registry, or other domain name registration authority that takes any action described under clause (ii) affecting a domain name shall not be liable for monetary relief to any person for such action, regardless of whether the domain name is finally determined to infringe or dilute the mark.

“(ii) An action referred to under clause (i) is any action of refusing to register, removing from registration, transferring, temporarily disabling, or permanently canceling a domain name—

“(I) in compliance with a court order under section 43(d); or

“(II) in the implementation of a reasonable policy by such registrar, registry, or authority prohibiting the registration of a domain name that is identical to, confusingly similar to, or dilutive of another’s mark registered on the Principal Register of the United States Patent and Trademark Office.

“(iii) A domain name registrar, a domain name registry, or other domain name registration authority shall not be liable for