

Public Law 106-44
106th Congress

An Act

To make technical corrections in title 17, United States Code, and other laws.

Aug. 5, 1999
[S. 1260]

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

Copyrights.

SECTION 1. TECHNICAL CORRECTIONS TO TITLE 17, UNITED STATES CODE.

(a) EXEMPTION OF CERTAIN PERFORMANCES AND DISPLAYS ON EXCLUSIVE RIGHTS.—Section 110(5) of title 17, United States Code, is amended—

- (1) by striking “(A) a direct charge” and inserting “(i) a direct charge”; and
- (2) by striking “(B) the transmission” and inserting “(ii) the transmission”.

(b) EPHEMERAL RECORDINGS.—Section 112(e) of title 17, United States Code, is amended—

- (1) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;
- (2) in paragraph (3), as so redesignated, by striking “(2)” and inserting “(1)”;

(3) in paragraph (4), as so redesignated—
(A) by striking “(3)” and inserting “(2)”;
(B) by striking “(4)” and inserting “(3)”;
(C) by striking “(6)” and inserting “(5)”; and
(D) by striking “(3) and (4)” and inserting “(2) and (3)”; and

(4) in paragraph (6), as so redesignated—
(A) by striking “(4)” each place it appears and inserting “(3)”; and
(B) by striking “(5)” each place it appears and inserting “(4)”.

(c) DETERMINATION OF REASONABLE LICENSE FEES FOR INDIVIDUAL PROPRIETORS.—Chapter 5 of title 17, United States Code, is amended—

- (1) by redesignating the section 512 entitled “**Determination of reasonable license fees for individual proprietors**” as section 513 and placing such section after the section 512 entitled “**Limitations on liability relating to material online**”; and

(2) in the table of sections at the beginning of that chapter by striking

“512. Determination of reasonable license fees for individual proprietors.” and inserting

“513. Determination of reasonable license fees for individual proprietors.” and placing that item after the item entitled

“512. Limitations on liability relating to material online.”

(d) **ONLINE COPYRIGHT INFRINGEMENT LIABILITY.**—Section 512 of title 17, United States Code, is amended—

(1) in subsection (e)—

(A) by amending the caption to read as follows:

“(e) **LIMITATION ON LIABILITY OF NONPROFIT EDUCATIONAL INSTITUTIONS.**—”; and

(B) in paragraph (2), by striking “INJUNCTIONS.”; and

(2) in paragraph (3) of subsection (j), by amending the caption to read as follows:

“(3) **NOTICE AND EX PARTE ORDERS.**—”.

(e) **INTEGRITY OF COPYRIGHT MANAGEMENT INFORMATION.**—Section 1202(e)(2)(B) of title 17, United States Code, is amended by striking “category or works” and inserting “category of works”.

(f) **PROTECTION OF DESIGNS.**—(1) Section 1302(5) of title 17, United States Code, is amended by striking “1 year” and inserting “2 years”.

(2) Section 1320(c) of title 17, United States Code, is amended in the subsection caption by striking “ACKNOWLEDGEMENT” and inserting “ACKNOWLEDGMENT”.

(g) **MISCELLANEOUS CLERICAL AMENDMENTS.**—

(1) Section 101 of title 17, United States Code, is amended—

(A) by transferring and inserting the definition of “United States work” after the definition of “United States”; and

(B) in the definition of “proprietor”, by striking “A ‘proprietor’” and inserting “For purposes of section 513, a ‘proprietor’”.

(2) Section 106 of title 17, United States Code, is amended by striking “120” and inserting “121”.

(3) Section 118(e) of title 17, United States Code, is amended—

(A) by striking “subsection (b).” and all that follows through “Owners” and inserting “subsection (b). Owners”; and

(B) by striking paragraph (2).

(4) Section 119(a)(8)(C)(ii) of title 17, United States Code, is amended by striking “network’s station” and inserting “network station’s”.

(5) Section 501(a) of title 17, United States Code, is amended by striking “118” and inserting “121”.

(6) Section 511(a) of title 17, United States Code, is amended by striking “119” and inserting “121”.

SEC. 2. OTHER TECHNICAL CORRECTIONS.

(a) CLERICAL AMENDMENT TO TITLE 28, U.S.C.—The section heading for section 1400 of title 28, United States Code, is amended to read as follows:

“§ 1400. Patents and copyrights, mask works, and designs”.

(b) ELIMINATION OF CONFLICTING PROVISION.—Section 5316 of title 5, United States Code, is amended by striking “Commissioner of Patents, Department of Commerce.”.

(c) CLERICAL CORRECTION TO TITLE 35, U.S.C.—Section 3(d) of title 35, United States Code, is amended by striking “, United States Code”.

Approved Aug. 5, 1999.

LEGISLATIVE HISTORY—S. 1260 (H.R. 1189):

HOUSE REPORTS: No. 106-84 accompanying H.R. 1189 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 145 (1999):

July 1, considered and passed Senate.
July 26, considered and passed House.

