

106TH CONGRESS
2D SESSION

H. R. 5275

To amend Title 17, United States Code, with respect to personal interactive performances of recorded nondramatic musical works, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2000

Mr. BOUCHER (for himself, Mr. BURR of North Carolina, Mr. LAHOOD, and Mr. UPTON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend Title 17, United States Code, with respect to personal interactive performances of recorded nondramatic musical works, 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 “Music Owners’ Listen-
5 ing Rights Act of 2000”.

6 **SECTION 2. PERSONAL INTERACTIVE PERFORMANCES.**

7 (a) IN GENERAL.—Chapter 1 of title 17, United
8 States Code, is amended by adding after section 122 the
9 following new section:

1 **“§ 123. Limitation on exclusive rights; personal inter-**
2 **active performances**

3 “(a) PERSONAL INTERACTIVE PERFORMANCES.—

4 Notwithstanding the provisions of section 106—

5 “(1) the transmission of a personal interactive
6 performance of a sound recording, and of any non-
7 dramatic musical works embodied therein, is not an
8 infringement of copyright; and

9 “(2) it is not an infringement of copyright for
10 a transmitting organization that transmits a per-
11 sonal interactive performance to make or cause to be
12 made phonorecords or copies of a sound recording
13 and any nondramatic musical works embodied there-
14 in if such phonorecords and copies are used by the
15 transmitting organization solely in connection with
16 the transmission of personal interactive perform-
17 ances.

18 “(b) As used in this section, the term ‘personal inter-
19 active performance’ means the performance of a sound re-
20 cording and the nondramatic musical works embodied
21 therein by means of a digital transmission and includes
22 any digital phonorecord deliveries associated with such
23 transmission, provided that the transmission is received
24 only by a recipient who has provided to the transmitting
25 organization proof that the recipient lawfully possesses a
26 phonorecord of such sound recording and who has con-

1 veved to the transmitting organization a specific request
2 to receive the transmission of the performance.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) The table of sections for chapter 1 of title
5 17, United States Code, is amended by adding after
6 the item relating to section 122 the following:

“123. Limitations on exclusive rights; personal interactive performances.”.

7 (2) Sections 106, 501(a), and 511(a) of title
8 17, United States Code, are each amended by strik-
9 ing “121” and inserting “123”.

10 (3) Section 2319(e)(2) of title 18, United
11 States Code, is amended by striking “120” and in-
12 serting “123”.

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