

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.

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## 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

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## 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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