

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3689

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 9, 2010

Referred to the Committee on the Judiciary and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## AN ACT

To clarify, improve, and correct the laws relating to  
copyrights.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Copyright Cleanup,  
3 Clarification, and Corrections Act of 2010”.

4 **SEC. 2. COPYRIGHT OFFICE PROCEDURES.**

5 Title 17, United States Code, is amended—

6 (1) in section 512(c)(2), in the matter following  
7 subparagraph (B), by striking “, in both electronic  
8 and hard copy formats”; and

9 (2) in section 205(a), by adding at the end the  
10 following: “A sworn or official certification may be  
11 submitted to the Copyright Office electronically, pur-  
12 suant to regulations established by the Register of  
13 Copyrights.”.

14 **SEC. 3. REPEAL OF EXPIRED PROVISIONS.**

15 (a) **TECHNICAL AMENDMENTS RELATED TO CHAP-**  
16 **TER 6.**—

17 (1) The heading for chapter 6 of title 17,  
18 United States Code, is amended to read as follows:

“CHAPTER 6—IMPORTATION AND EXPORTATION.”.

19 (2) The item relating to chapter 6 in the table  
20 of chapters for title 17, United States Code, is  
21 amended to read as follows:

“6. Importation and Exportation ..... 601.”.

22 (b) **REPEAL.**—Section 601 of title 17, United States  
23 Code, is hereby repealed and reserved.

24 (c) **CONFORMING AMENDMENTS.**—

1           (1) Section 409 of title 17, United States Code,  
2           is amended—

3                   (A) in paragraph (9), by insert “and” after  
4           the semicolon;

5                   (B) by striking paragraph (10); and

6                   (C) by redesignating paragraph (11) as  
7           paragraph (10).

8           (2) The first sentence of section 602(b) of title  
9           17, United States Code, is amended by striking “un-  
10          less the provisions of section 601 are applicable”.

11 **SEC. 4. CLARIFICATIONS.**

12          (a) **TRANSFER OF OWNERSHIP.**—The second sen-  
13          tence of section 201(d)(2), of title 17, United States Code,  
14          is amended by adding before the period the following: “,  
15          including the right to transfer or license the exclusive right  
16          to another person in the absence of a written agreement  
17          to the contrary”.

18          (b) **CERTAIN DISTRIBUTIONS OF PHONORECORDS.**—  
19          Section 303(b) of title 17, United States Code, is amended  
20          by striking “the musical work” and inserting “any musical  
21          work, dramatic work, or literary work”.

22          (c) **PROCEEDINGS OF COPYRIGHT ROYALTY**  
23          **JUDGES.**—Section 803(b)(6)(A) of title 17, United States  
24          Code, is amended by striking the second sentence and in-  
25          serting: “All regulations issued by the Copyright Royalty

1 Judges are subject to the approval of the Librarian of  
2 Congress and are subject to judicial review pursuant to  
3 Chapter 7 of title 5, United States Code, except as set  
4 forth in subsection (d).”

5 (d) LICENSES FOR CERTAIN NONEXEMPT TRANS-  
6 MISSIONS.—Section 114(f)(2)(C) of title 17, United States  
7 Code, is amended by striking “preexisting subscription  
8 digital audio transmission services or preexisting satellite  
9 digital radio audio services” and inserting “eligible non-  
10 subscription services and new subscription services”.

11 **SEC. 5. TECHNICAL CORRECTIONS.**

12 (a) Title 17, United States Code, is amended—

13 (1) in section 101—

14 (A) by moving the definition of “Copyright  
15 Royalty Judges” to follow the definition of  
16 “Copyright owner”;

17 (B) by moving the definition of “motion  
18 picture exhibition facility” to follow the defini-  
19 tion of “Literary works”; and

20 (C) by moving the definition of “food serv-  
21 ice or drinking establishment” to follow the def-  
22 inition of “fixed”;

23 (2) in section 114(f)(2)(B), in the fourth sen-  
24 tence in the matter preceding clause (i), by striking

1 “Judges shall base its decision” and inserting  
2 “Judges shall base their decision”;

3 (3) in section 119(g)(4)(B)(vi), by striking “the  
4 examinations” and inserting “an examination”;

5 (4) in section 503(a)(1)(B), by striking “copies  
6 of phonorecords” and inserting “copies or  
7 phonorecords”; and

8 (5) in section 704(e), in the second sentence, by  
9 striking “section 708(a)(10)” and inserting “section  
10 708(a)”.

11 (b) Section 209(a)(3)(A) of Public Law 110–403, is  
12 amended by striking “by striking ‘and 509’ ” and inserting  
13 “by striking ‘and section 509’ ”.

14 (c) Section 4(a)(1) of Public Law 111–146 is amend-  
15 ed by striking “by corporations attempting” and inserting  
16 “the purpose of which is”.

17 (d) Section 2318(e)(6) of title 18, United States  
18 Code, is amended by striking “under section” and insert-  
19 ing “under this section”.

20 **SEC. 6. BUDGETARY EFFECTS.**

21 The budgetary effects of this Act, for the purpose of  
22 complying with the Statutory Pay-As-You-Go-Act of 2010,  
23 shall be determined by reference to the latest statement  
24 titled “Budgetary Effects of PAYGO Legislation” for this  
25 Act, submitted for printing in the Congressional Record

1 by the Chairman of the Senate Budget Committee, pro-  
2 vided that such statement has been submitted prior to the  
3 vote on passage.

Passed the Senate August 2, 2010.

Attest: NANCY ERICKSON,  
*Secretary.*