

103^D CONGRESS
1ST SESSION

H. R. 2576

To amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 1993

Mr. HUGHES (for himself and Mr. BERMAN) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions.

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 “Digital Performance
5 Right in Sound Recordings Act of 1993”.

6 **SEC. 2. EXCLUSIVE RIGHTS IN COPYRIGHTED WORKS.**

7 Section 106 of title 17, United States Code, is
8 amended—

9 (1) in paragraph (4) by striking “and” after
10 the semicolon;

1 (2) in paragraph (5) by striking the period and
2 inserting “; and”; and

3 (3) by adding at the end the following:

4 “(6) in the case of sound recordings, to perform
5 the copyrighted work publicly by means of a digital
6 transmission.”.

7 **SEC. 3. SCOPE OF EXCLUSIVE RIGHTS IN SOUND RECORD-**
8 **INGS.**

9 Section 114 of title 17, United States Code, is
10 amended—

11 (1) by striking subsections (a), (c), and (d); and

12 (2) in subsection (b), by striking “(b)”.

13 **SEC. 4. CONFORMING AMENDMENTS.**

14 (a) DEFINITIONS.—Section 101 of title 17, United
15 States Code, is amended by inserting after

16 “A ‘device’, ‘machine’, or ‘process’ is one now
17 known or later developed.” the following:

18 “A ‘digital transmission’ of a performance is a
19 communication of the performance by any device or
20 process whereby sounds in a digital format are re-
21 ceived beyond the place from which they are sent.”.

22 (b) LIMITATIONS ON EXCLUSIVE RIGHTS: SECOND-
23 ARY TRANSMISSIONS.—Section 111(a) of title 17, United
24 States Code, is amended in the first sentence by striking
25 “The” and inserting “Except in the case of a performance

1 of a sound recording in the course of a digital trans-
2 mission, the”.

3 (c) LIMITATIONS ON EXCLUSIVE RIGHTS: SECOND-
4 ARY TRANSMISSIONS OF SUPERSTATIONS AND NETWORK
5 STATIONS FOR PRIVATE HOME VIEWING.—Section
6 119(a)(1) of title 17, United States Code, is amended by
7 striking “Subject to” and inserting “Except in the case
8 of a performance of a sound recording in the course of
9 a digital transmission, and subject to”.

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