

# HEINONLINE

Citation: 4 Digital Performance Right in Sound Recordings Act of  
Pub. L. No. 104-39 109 Stat. 336 1 1995

Content downloaded/printed from  
HeinOnline (<http://heinonline.org>)  
Mon Mar 18 19:34:10 2013

- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at <http://heinonline.org/HOL/License>
- The search text of this PDF is generated from uncorrected OCR text.

103D 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”.

○





