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105TH CONGRESS  
1ST SESSION

# H. R. 604

To amend title 17, United States Code, with respect to the duration of copyright, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 1997

Mr. GALLEGLY (for himself, Mr. COBLE, Mr. BERMAN, Mr. MCCOLLUM, Ms. LOFGREN, Mr. GOODLATTE, Mr. CLEMENT, Mr. GEKAS, Mr. UNDERWOOD, and Mr. OWENS) 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 the duration of copyright, 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 “Copyright Term Ex-  
5 tension Act of 1997”.

6 **SEC. 2. DURATION OF COPYRIGHT PROVISIONS.**

7 (a) **PREEMPTION WITH RESPECT TO OTHER**  
8 **LAWS.**—Section 301(c) of title 17, United States Code,

1 is amended by striking “February 15, 2047” each place  
2 it appears and inserting “February 15, 2067”.

3 (b) DURATION OF COPYRIGHT: WORKS CREATED ON  
4 OR AFTER JANUARY 1, 1978.—Section 302 of title 17,  
5 United States Code, is amended—

6 (1) in subsection (a) by striking “fifty” and in-  
7 serting “70”;

8 (2) in subsection (b) by striking “fifty” and in-  
9 serting “70”;

10 (3) in subsection (c) in the first sentence—

11 (A) by striking “seventy-five” and insert-  
12 ing “95”; and

13 (B) by striking “one hundred” and insert-  
14 ing “120”; and

15 (4) in subsection (e) in the first sentence—

16 (A) by striking “seventy-five” and insert-  
17 ing “95”;

18 (B) by striking “one hundred” and insert-  
19 ing “120”; and

20 (C) by striking “fifty” each place it ap-  
21 pears and inserting “70”.

22 (c) DURATION OF COPYRIGHT: WORKS CREATED  
23 BUT NOT PUBLISHED OR COPYRIGHTED BEFORE JANU-  
24 ARY 1, 1978.—Section 303 of title 17, United States

1 Code, is amended in the second sentence by striking “De-  
2 cember 31, 2027” and inserting “December 31, 2047”.

3 (d) DURATION OF COPYRIGHT: SUBSISTING COPY-  
4 RIGHTS.—

5 (1) Section 304 of title 17, United States Code,  
6 is amended—

7 (A) in subsection (a)—

8 (i) in paragraph (1)—

9 (I) in subparagraph (B) by strik-  
10 ing “47” and inserting “67”; and

11 (II) in subparagraph (C) by  
12 striking “47” and inserting “67”;

13 (ii) in paragraph (2)—

14 (I) in subparagraph (A) by strik-  
15 ing “47” and inserting “67”; and

16 (II) in subparagraph (B) by  
17 striking “47” and inserting “67”; and

18 (iii) in paragraph (3)—

19 (I) in subparagraph (A)(i) by  
20 striking “47” and inserting “67”; and

21 (II) in subparagraph (B) by  
22 striking “47” and inserting “67”; and

23 (B) by amending subsection (b) to read as  
24 follows:

1       “(b) COPYRIGHTS IN THEIR RENEWAL TERM.—Any  
2 copyright still in its renewal term at the time that the  
3 Copyright Term Extension Act of 1997 becomes effective  
4 shall endure for a term of 95 years from the date copy-  
5 right was originally secured.”.

6           (2) Section 102 of the Copyright Renewal Act  
7 of 1992 (Public Law 102–307; 106 Stat. 266; 17  
8 U.S.C. 304 note) is amended—

9           (A) in subsection (c)—

10               (i) by striking “47” and inserting  
11 “67”;

12               (ii) by striking “(as amended by sub-  
13 section (a) of this section)”;

14               (iii) by striking “effective date of this  
15 section” each place it appears and insert-  
16 ing “effective date of the Copyright Term  
17 Extension Act of 1997”;

18           (B) in subsection (g)(2) in the second sen-  
19 tence by inserting before the period the follow-  
20 ing: “, except each reference to forty-seven  
21 years in such provisions shall be deemed to be  
22 67 years”.

23 **SEC. 3. REPRODUCTION BY LIBRARIES AND ARCHIVES.**

24       Section 108 of title 17, United States Code, is  
25 amended—

1           (1) by redesignating subsection (h) as sub-  
2           section (i); and

3           (2) by inserting after subsection (g) the follow-  
4           ing:

5           “(h) For purposes of this section, during the last 20  
6 years of any term of copyright of a published work, a li-  
7 brary or archives, including a nonprofit educational insti-  
8 tution that functions as such, may reproduce, distribute,  
9 display, or perform in facsimile or digital form a copy or  
10 phonorecord of such work, or portions thereof, for pur-  
11 poses of preservation, scholarship, or research, if such li-  
12 brary or archives has first determined, on the basis of a  
13 reasonable investigation, that none of the conditions set  
14 forth in paragraphs (1), (2), and (3) apply. No reproduc-  
15 tion, distribution, display, or performance is authorized  
16 under this subsection if—

17           “(1) the work is subject to normal commercial  
18           exploitation;

19           “(2) a copy or phonorecord of the work can be  
20           obtained at a reasonable price; or

21           “(3) the copyright owner or its agent provides  
22           notice pursuant to regulations promulgated by the  
23           Register of Copyrights that either of the conditions  
24           set forth in paragraphs (1) and (2) applies.

1 The exemption provided in this subsection does not apply  
2 to any subsequent uses by users other than such library  
3 or archives.”.

4 **SEC. 4. EFFECTIVE DATE.**

5 This Act and the amendments made by this Act shall  
6 take effect on the date of the enactment of this Act.

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## **Document No. 40**



