

Union Calendar No. 243

86TH CONGRESS
1ST SESSION

H. R. 4059

[Report No. 624]

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1959

Mr. CELLER introduced the following bill; which was referred to the Committee on the Judiciary

JULY 1, 1959

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic].

A BILL

To amend title 28 of the United States Code relating to actions for infringements of copyrights by the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 1498 of title 28 of the United States Code is
4 hereby amended by inserting the letter “(a)” at the begin-
5 ning of the section and adding at the end thereof a new sub-
6 section ~~“(b)”~~ *new subsections “(b)” and “(c)”* reading as
7 follows:

8 “(b) Hereafter, whenever the copyright in any work
9 protected under the copyright laws of the United States
10 shall be infringed by the United States, by a corporation
11 owned or controlled by the United States, or by a contractor,

1 subcontractor, or any person, firm, or corporation acting for
2 the Government and with the authorization or consent of
3 the Government, the exclusive remedy of the owner of such
4 copyright shall be by action against the United States in
5 the Court of Claims for the recovery of his reasonable and
6 entire compensation as damages for such infringement,
7 including the minimum statutory damages as set forth in
8 section 101 (b) of title 17, United States Code: *Provided*,
9 That a Government employee shall have a right of action
10 against the Government under this subsection except where
11 he was in a position to order, influence, or induce use of
12 the copyrighted work by the Government: *Provided*,
13 *however*; That this subsection shall not confer a right of
14 action on any copyright owner or any assignee of such
15 owner with respect to any copyrighted work prepared by a
16 person while in the employment or service of the United
17 State, where the copyrighted work was prepared as a part
18 of the official functions of the employee, or in the preparation
19 of which Government time, material, or facilities were used:
20 *And provided further*, That before such action against the
21 United States has been instituted the appropriate corporation
22 owned or controlled by the United States or the head of
23 the appropriate department or agency of the Government,
24 as the case may be, is authorized to enter into an agreement

1 with the copyright owner in full settlement and compromise
2 for the damages accruing to him by reason of such infringe-
3 ment and to settle the claim administratively out of available
4 appropriations.

5 "Except as otherwise provided by law, no recovery
6 shall be had for any infringement of a copyright covered
7 by this subsection committed more than three years prior
8 to the filing of the complaint or counterclaim for infringe-
9 ment in the action, except that the period between the date
10 of receipt of a written claim for compensation by the Depart-
11 ment or agency of the Government or corporation owned
12 or controlled by the United States, as the case may be,
13 having authority to settle such claim and the date of mailing
14 by the Government of a notice to the claimant that his claim
15 has been denied shall not be counted as a part of the three
16 years, unless suit is brought before the last-mentioned ~~date.~~
17 *date.*

18 "*(c) The provisions of this section shall not apply to*
19 *any claim arising in a foreign country.*"

20 SEC. 2. Title 10, United States Code, section 2386 (4),
21 is amended by adding after "patents" the words "or copy-
22 rights".

23 SEC. 3. The catchline of section 1498 of title 28, United
24 States Code, is amended to read—

1 “§ 1498. Patent and copyright cases”.

2 The item identified as

“1498. Patent cases.”

3 in the chapter analysis of chapter 91 of title 28, United

4 States Code, is amended to read—

“1498. Patent and copyright cases.”

A BILL

To amend title 28 of the United States Code relating to actions for infringements of copyrights by the United States.

By Mr. Celler

FEBRUARY 4, 1959

Referred to the Committee on the Judiciary

JUNE 1, 1959

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed