

85TH CONGRESS  
2D SESSION

# H. R. 8419

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IN THE SENATE OF THE UNITED STATES

MAY 21, 1958

Read twice and referred to the Committee on the Judiciary

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## AN ACT

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  
6 subsection “(b)” reading as follows:

7        “(b) Whenever after December 31, 1958, the copy-  
8 right in any work protected under the copyright laws  
9 of the United States shall be infringed by the United  
10 States, by a corporation owned or controlled by the United  
11 States, or by a contractor, subcontractor, or any person,

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

1 priate department or agency of the Government, as the case  
2 may be, is authorized to enter into an agreement with the  
3 copyright owner in full settlement and compromise for the  
4 damages accruing to him by reason of such infringement  
5 and to settle the claim administratively out of available  
6 appropriations.

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

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

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

3 “§ 1498. Patent and copyright cases”.

4 The item identified as

“1498. Patent cases”

5 in the chapter analysis of chapter 91 of title 28, United  
6 States Code, is amended to read—

“1498. Patent and copyright cases”.

Passed the House of Representatives May 19, 1958.

Attest:

RALPH R. ROBERTS,

*Clerk.*

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