

# S. 4592

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 18 (legislative day, DECEMBER 15), 1970

MR. McCLELLAN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, 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       That title 17 of the United States Code is amended in the fol-  
4       lowing respects:

5       (a) In section 1, title 17 of the United States Code,  
6       add a subsection (f) to read:

7       “To reproduce and distribute to the public by sale or  
8       other transfer of ownership, or by rental, lease, or lending,  
9       reproductions of the copyrighted work if it be a sound record-

1 ing: *Provided*, That the exclusive right of the owner of a  
2 copyright in a sound recording to reproduce it is limited  
3 to the right to duplicate the sound recording in a tangible  
4 form that directly or indirectly recaptures the actual sounds  
5 fixed in the recording: *Provided further*, That this right  
6 does not extend to the making or duplication of another  
7 sound recording that is an independent fixation of other  
8 sounds, even though such sounds imitate or simulate those  
9 in the copyrighted sound recording; or to single ephemeral  
10 recordings made by transmitting organizations for their own  
11 use.

12 (b) In section 5, title 17, of the United States Code,  
13 add a subsection (n) to read:

14 "Sound recordings other than fixations of sound ac-  
15 companying a motion picture."

16 (c) In section 19, title 17, of the United States Code,  
17 add the following at the end of the section: "In the case of  
18 reproductions of works specified in subsection (n) of section  
19 5 of this title, the notice shall consist of the symbol P (the  
20 letter P in a circle), the year of first publication of the sound  
21 recording, and the name of the owner of copyright in the  
22 sound recording, or an abbreviation by which the name can  
23 be recognized, or a generally known alternative designation of  
24 the owner: *Provided*, That if the producer of the sound re-  
25 cording is named on the labels or containers of the reproduc-

1 tion, and if no other name appears in conjunction with the  
2 notice, his name shall be considered a part of the notice.”

3 (d) In section 20, title 17, of the United States Code,  
4 amend the first sentence to read: “The notice of copyright  
5 shall be applied, in the case of a book or other printed pub-  
6 lication, upon its title page or the page immediately follow-  
7 ing, or if a periodical either upon the title page or upon the  
8 first page of text of each separate number or under the title  
9 heading, or if a musical work either upon its title page or the  
10 first page of music, or if a sound recording on the surface  
11 thereof or on the label or container in such manner and loca-  
12 tion as to give reasonable notice of the claim of copyright.”

13 (e) In section 26, title 17, of the United States Code,  
14 add the following at the end of the section: “For the pur-  
15 poses of this section and sections 10, 11, 13, 14, 21, 101,  
16 106, 109, 209, 215, but not for any other purpose, a repro-  
17 duction of a work described in subsection 5 (n) shall be con-  
18 sidered to be a copy thereof.

19 SEC. 2. This Act shall take effect three months after its  
20 enactment. The provisions of title 17 of the United States  
21 Code shall apply only to sound recordings fixed, published  
22 and copyrighted on and after the effective date of this Act  
23 and nothing in title 17 of the United States Code shall be  
24 applied retroactively or be construed as affecting in any way  
25 any rights with respect to sound recordings fixed before that  
26 date.

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By Mr. McCLELLAN

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