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ART Act

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Nov 22, 2003

Current Status: Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.

Latest Action: Referred to the Subcommittee on Courts, the Internet, and Intellectual Property. (Aug 4, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/1932>

Sponsor

Name: Sen. Cornyn, John [R-TX]

Party: Republican • **State:** TX • **Chamber:** Senate

Cosponsors (10 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Alexander, Lamar [R-TN]	R · TN		Nov 22, 2003
Sen. Feinstein, Dianne [D-CA]	D · CA		Nov 22, 2003
Sen. Graham, Lindsey [R-SC]	R · SC		Nov 22, 2003
Sen. Hatch, Orrin G. [R-UT]	R · UT		Nov 22, 2003
Sen. Smith, Gordon H. [R-OR]	R · OR		Nov 22, 2003
Sen. DeWine, Mike [R-OH]	R · OH		Apr 26, 2004
Sen. Durbin, Richard J. [D-IL]	D · IL		Apr 26, 2004
Sen. Kennedy, Edward M. [D-MA]	D · MA		Apr 26, 2004
Sen. Biden, Joseph R., Jr. [D-DE]	D · DE		Apr 29, 2004
Sen. Schumer, Charles E. [D-NY]	D · NY		Apr 29, 2004

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Apr 29, 2004
Judiciary Committee	House	Referred to	Aug 4, 2004

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

No related bills are listed.

(This measure has not been amended since it was reported to the Senate on April 29, 2004. The summary of that version is repeated here.)

Artists' Rights and Theft Prevention Act of 2004 (ART Act) - (Sec. 3) Amends the Federal criminal code to prohibit use of an audiovisual recording device to transmit or copy a protected audiovisual work from a performance in a motion picture exhibition facility without the authorization of the copyright owner. Authorizes a court, upon a conviction, to order the forfeiture and destruction of unauthorized copies and of equipment used in such an offense. Permits a facility owner, motion picture licensor, or employee thereof to detain any person suspected of violating such prohibition for purposes of questioning or summoning a law enforcement officer. Grants such parties immunity from liability for such detention. Requires that victims be permitted to submit for inclusion in the presentence report a victim impact statement identifying the injuries and losses suffered.

(Sec. 4) Establishes criminal penalties for willful copyright infringement by the distribution of a computer program, musical work, motion picture or other audiovisual work, or sound recording being prepared for commercial distribution by making it available on a computer network accessible to members of the public, if the person knew or should have known that the work was intended for commercial distribution.

(Sec. 5) Directs the Register of Copyrights to issue regulations to establish procedures for preregistration of a work that is being prepared for commercial distribution and has not been published. Requires such regulations to permit preregistration for any work that is in a class of works that the Register determines has had a history of infringement prior to authorized commercial distribution. Requires the applicant to submit, within three months after the work's first publication, an application for registration, a deposit, and the applicable fee. Directs that an application for infringement be dismissed, and prohibits any award of statutory damages or attorney fees, for a preregistered work if those items are not submitted to the Copyright Office in proper form within the earlier of: (1) three months after the work's first publication; or (2) one month after the copyright owner has learned of the infringement.

(Sec. 6) Directs the U.S. Sentencing Commission to review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of intellectual property rights offenses, including trafficking in counterfeit labels for phonorecords and copies of motion pictures and unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances. Directs the Commission to: (1) take measures to ensure that the guidelines and policy statements are sufficiently stringent to deter, and adequately reflect the nature of, intellectual property crimes; (2) determine whether to provide a sentencing enhancement for those convicted of the listed offenses if the conduct involves the display, performance, publication, reproduction, or distribution of a copyrighted work before it has been authorized; (3) determine whether the scope of "uploading" set forth in the sentencing guidelines is adequate to address the loss attributable to people who broadly distribute copyrighted works without authorization over the Internet; and (4) determine whether the sentencing guidelines and policy statements adequately reflect any harm to victims from copyright infringement if law enforcement authorities cannot determine how many times copyright material has been reproduced or distributed.

(Sec. 7) Authorizes appropriations to the Department of Justice for FY 2005 through 2009 to prosecute violations of intellectual property rights.

Actions Timeline

- **Aug 4, 2004:** Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.
- **Jun 25, 2004:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(consideration: CR S7524-7527; text as passed Senate: CR S7524-7526)
- **Jun 25, 2004:** Passed Senate with an amendment by Unanimous Consent. (consideration: CR S7524-7527; text as passed Senate: CR S7524-7526)
- **Jun 25, 2004:** Received in the House.
- **Jun 25, 2004:** Message on Senate action sent to the House.
- **Jun 25, 2004:** Referred to the House Committee on the Judiciary.
- **May 4, 2004:** Star Print ordered on the reported bill.
- **Apr 29, 2004:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Apr 29, 2004:** Committee on the Judiciary. Reported by Senator Hatch with an amendment in the nature of a substitute. Without written report.
- **Apr 29, 2004:** Committee on the Judiciary. Reported by Senator Hatch with an amendment in the nature of a substitute. Without written report.
- **Apr 29, 2004:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 482.
- **Nov 22, 2003:** Introduced in Senate
- **Nov 22, 2003:** Read twice and referred to the Committee on the Judiciary.