

S 2227

Anticounterfeiting Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Mar 23, 2004

Current Status: Passed Senate without amendment by Unanimous Consent. (text: CR S12028-12029)

Latest Action: Passed Senate without amendment by Unanimous Consent. (text: CR S12028-12029) (Dec 8, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/2227>

Sponsor

Name: Sen. Biden, Joseph R., Jr. [D-DE]

Party: Democratic • State: DE • Chamber: Senate

Cosponsors (5 total)

| Cosponsor                       | Party / State | Role | Date Joined  |
|---------------------------------|---------------|------|--------------|
| Sen. Allen, George [R-VA]       | R · VA        |      | Mar 23, 2004 |
| Sen. Hollings, Ernest F. [D-SC] | D · SC        |      | Mar 23, 2004 |
| Sen. Murray, Patty [D-WA]       | D · WA        |      | Mar 23, 2004 |
| Sen. Smith, Gordon H. [R-OR]    | R · OR        |      | Mar 23, 2004 |
| Sen. Nelson, Ben [D-NE]         | D · NE        |      | Apr 1, 2004  |

Committee Activity

| Committee           | Chamber | Activity        | Date        |
|---------------------|---------|-----------------|-------------|
| Judiciary Committee | Senate  | Discharged From | Dec 9, 2004 |

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

| Bill        | Relationship   | Last Action   |
|-------------|----------------|---|
| 108 HR 3632 | Related bill   | <b>Dec 23, 2004:</b> Became Public Law No: 108-482.                             |
| 108 S 2242  | Identical bill | <b>Mar 26, 2004:</b> Read twice and referred to the Committee on the Judiciary. |

**(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)**

Anticounterfeiting Act of 2004 - Amends the Federal criminal code to prohibit trafficking in an "illicit authentication feature." Defines that term to mean an authentication feature that: (1) has been tampered with or altered without authorization so as to facilitate the reproduction or distribution of a phono-record, a copy of a computer program, motion picture or other audiovisual work, or documentation or packaging, in violation of the rights of the copyright owner; (2) is genuine, but has been distributed or is intended for distribution without authorization; or (3) appears to be genuine but is not.

Authorizes a copyright owner who is injured by a violation of this Act or is threatened with injury to bring a civil action in an appropriate U.S. district court. Allows the court to: (1) grant temporary or permanent injunctions to prevent or restrain violations; (2) order the impounding of an article in the custody or control of the alleged violator that the court has reasonable cause to believe was involved in a violation; and (3) award to the injured party reasonable attorney fees and costs, actual damages and any additional profits of the violator, or statutory damages.

Authorizes: (1) the injured party to elect to recover, instead of actual damages and profits, an award of statutory damages of between \$2,500 and \$25,000 for each violation; and (2) the court to increase a damage award by three times the amount that would otherwise be awarded upon finding that a person has violated this Act within three years after a final judgment was entered for a previous violation.

Sets a three-year statute of limitations from discovery of the violation.

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### **Actions Timeline**

- **Dec 8, 2004:** Senate Committee on the Judiciary discharged by Unanimous Consent.(consideration: CR S12028-12029)
- **Dec 8, 2004:** Senate Committee on the Judiciary discharged by Unanimous Consent. (consideration: CR S12028-12029)
- **Dec 8, 2004:** Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent.(text: CR S12028-12029)
- **Dec 8, 2004:** Passed Senate without amendment by Unanimous Consent. (text: CR S12028-12029)
- **Mar 23, 2004:** Introduced in Senate
- **Mar 23, 2004:** Sponsor introductory remarks on measure. (CR S3001-3002)
- **Mar 23, 2004:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S3002-3003)