

HR 3632

Intellectual Property Protection and Courts Amendments Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: Nov 21, 2003

Current Status: Became Public Law No: 108-482.

Latest Action: Became Public Law No: 108-482. (Dec 23, 2004)

Law: 108-482 (Enacted Dec 23, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/3632>

Sponsor

Name: Rep. Smith, Lamar [R-TX-21]

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

Cosponsors (6 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Carter, John R. [R-TX-31]	R · TX		Nov 21, 2003
Rep. Gallegly, Elton [R-CA-24]	R · CA		Nov 21, 2003
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Nov 21, 2003
Rep. Keller, Ric [R-FL-8]	R · FL		Nov 21, 2003
Rep. Wexler, Robert [D-FL-19]	D · FL		Nov 21, 2003
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Jan 20, 2004

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported by	Mar 31, 2004
Judiciary Committee	Senate	Discharged From	Dec 9, 2004

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
108 S 2227	Related bill	Dec 8, 2004: Passed Senate without amendment by Unanimous Consent. (text: CR S12028-12029)
108 S 2242	Related bill	Mar 26, 2004: Read twice and referred to the Committee on the Judiciary.

(This measure has not been amended since it was passed by the House on September 21, 2004. The summary of that version is repeated here.)

Intellectual Property Protection and Courts Amendments Act of 2004 - **Title I: Anti-counterfeiting Provisions** - Anti-counterfeiting Amendments Act of 2004 - (Sec. 102) Rewrites Federal criminal code provisions regarding trafficking in counterfeit labels. Prohibits knowingly trafficking in: (1) a counterfeit or illicit label (defined in this Act) affixed to, enclosing, or accompanying, or designed to be affixed to, enclose, or accompany, a phonorecord, a copy of a computer program, motion picture (or other audiovisual work), literary work, or pictorial, graphic, or sculptural work, a work of visual art, or documentation or packaging; or (2) counterfeit documentation or packaging.

Provides for forfeiture or destruction of illicit (as well as counterfeit) labels and of any equipment, device, or material used to manufacture, reproduce, or assemble the counterfeit labels or illicit labels.

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

Authorizes: (1) the injured party to elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits an award of statutory damages for each violation in a sum of between \$2,500 and \$25,000; and (2) the court to increase an award of damages by three times the amount that would otherwise be awarded for a violation occurring within three years after a final judgment was entered for a previous violation. Requires a civil action to be commenced within three years after the the violation is discovered.

(Sec. 103) Declares that this title shall not: (1) affect provisions governing liability under Federal copyright law or fair use of a genuine certificate, licensing document, registration card, similar labeling component, or documentation or packaging; or (2) be construed to apply to the electronic transmission of certificates, licensing documents, registration cards, similar labeling components, or documentation or packaging.

Title II: Fraudulent Online Identity Sanctions - Fraudulent Online Identity Sanctions Act - (Sec. 202) Amends the Trademark Act of 1946 and Federal copyright law to make it a rebuttable presumption that a trademark violation or copyright infringement was committed willfully for purposes of determining relief if the violator, or a person acting in concert, knowingly provided or caused to be provided materially false contact information to a domain name registration authority in registering, maintaining, or renewing a domain name used in connection with the violation or infringement.

(Sec. 204) Requires the maximum imprisonment otherwise provided for a felony offense to be doubled or increased by seven years, whichever is less, if the defendant knowingly falsely registers and uses a domain name in the course of the offense. Directs the U.S. Sentencing Commission to review and amend the sentencing guidelines with respect to a conviction for the false registration and use of a domain name during the course of a felony.

(Sec. 205) Provides that nothing in this title shall: (1) enlarge or diminish any rights of free speech or of the press for activities related to the registration or use of domain names; and (2) restrict a court's discretion in determining relief to be assessed against a person found liable for intellectual property right infringement, or in determining the appropriate term of imprisonment for an offense under applicable law.

Title III: Courts - (Sec. 301) Amends the Federal judicial code to provide for: (1) an additional place of holding court in the District of Colorado at Colorado Springs; and (2) a place of holding court in the Northern District of New York at Plattsburgh.

Actions Timeline

- **Dec 23, 2004:** Signed by President.
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- **Dec 23, 2004:** Became Public Law No: 108-482.
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- **Dec 16, 2004:** Presented to President.
- **Dec 16, 2004:** Presented to President.
- **Dec 9, 2004:** Message on Senate action sent to the House.
- **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.
- **Dec 8, 2004:** Passed Senate without amendment by Unanimous Consent.
- **Sep 22, 2004:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Sep 21, 2004:** Mr. Sensenbrenner moved to suspend the rules and pass the bill, as amended.
- **Sep 21, 2004:** Considered under suspension of the rules. (consideration: CR H7264-7267)
- **Sep 21, 2004:** DEBATE - The House proceeded with forty minutes of debate on H.R. 3632.
- **Sep 21, 2004:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H7264-7265)
- **Sep 21, 2004:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H7264-7265)
- **Sep 21, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 13, 2004:** Reported (Amended) by the Committee on Judiciary. H. Rept. 108-600.
- **Jul 13, 2004:** Reported (Amended) by the Committee on Judiciary. H. Rept. 108-600.
- **Jul 13, 2004:** Placed on the Union Calendar, Calendar No. 360.
- **Jun 23, 2004:** Committee Consideration and Mark-up Session Held.
- **Jun 23, 2004:** Ordered to be Reported (Amended) by Voice Vote.
- **Mar 31, 2004:** Subcommittee Consideration and Mark-up Session Held.
- **Mar 31, 2004:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote.
- **Feb 12, 2004:** Subcommittee Hearings Held.
- **Dec 10, 2003:** Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.
- **Nov 21, 2003:** Introduced in House
- **Nov 21, 2003:** Introduced in House
- **Nov 21, 2003:** Referred to the House Committee on the Judiciary.