

HR 4077

Piracy Deterrence and Education Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Mar 31, 2004

Current Status: Received in the Senate.

Latest Action: Received in the Senate. (Sep 29, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/4077>

Sponsor

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

Party: Republican • State: TX • Chamber: House

Cosponsors (7 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Berman, Howard L. [D-CA-28]	D · CA		Mar 31, 2004
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		Mar 31, 2004
Rep. Otter, C. L. (Butch) [R-ID-1]	R · ID		Apr 28, 2004
Rep. Coble, Howard [R-NC-6]	R · NC		Jun 2, 2004
Rep. Hoyer, Steny H. [D-MD-5]	D · MD		Jun 2, 2004
Rep. Bono, Mary [R-CA-45]	R · CA		Jul 19, 2004
Rep. Meehan, Martin T. [D-MA-5]	D · MA		Jul 19, 2004

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported by	Mar 31, 2004

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

No related bills are listed.

Title I: Piracy Deterrence in Education - Piracy Deterrence and Education Act of 2004 - (Sec. 103) Authorizes the Attorney General to establish an 18-month program under which the Department of Justice (DOJ) would send warning letters to the internet service providers of subscribers who appear to be engaging in copyright infringing conduct. Allows providers to forward the warning letters to such subscribers. Prohibits providers from disclosing any identifying information about such subscribers to DOJ except pursuant to court order or other applicable legal process that requires such disclosure.

(Sec. 104) Directs the Attorney General to ensure that any DOJ unit responsible for investigating computer hacking or investigating intellectual property crimes is assigned at least one agent trained in the investigation and enforcement of such crimes.

(Sec. 105) Establishes an Internet Use Education Program within the Office of the Associate Attorney General of the United States to educate the public concerning: (1) the value of copyrighted works and the effects of their theft on their creators; and (2) the privacy, security, and other risks of using the Internet to obtain illegal copies of copyrighted works. Prohibits the use of DOJ funds allocated for criminal investigations or prosecutions or for the Civil Rights Division for such program.

(Sec. 106) Authorizes the U.S. Government to bring actions for infringement of copyright before registration of the copyright claim.

(Sec. 107) Authorizes appropriations for investigation and prosecution of copyright infringement.

(Sec. 108) Prohibits the unauthorized, knowing use or attempted use of a video camera or similar device to transmit or make a copy of a motion picture or other copyrighted audiovisual work from a performance of such work in a movie theater. Sets forth penalties for such violations, which may include imprisonment for not more than three years for a first offense. Considers the possession of a recording device in a movie theater as evidence in any proceeding to determine whether that person committed such an offense, but shall not, by itself, be sufficient to support a conviction for such offense.

Allows the victim of such an offense to submit a victim impact statement to the probation officer during the preparation of a presentence report.

Requires the court to order the forfeiture and destruction or other disposition of all unauthorized copies of motion pictures or other copyrighted audiovisual works and any video camera or other equipment used in connection with the offense in addition to any other penalty.

Authorizes, with reasonable cause, the owner, lessee, authorized agent, or employee of a movie theater to detain, in a reasonable manner and for a reasonable time, any person suspected of committing such an offense for the purpose of questioning that person or summoning a law enforcement officer.

(Sec. 109) Expresses the sense of Congress that: (1) responsible software developers should be commended; (2) the level of ongoing illegal and dangerous activity on publicly accessible peer-to-peer file sharing services is harmful to consumers, minors, and the economy; and (3) Congress and the executive branch should consider all appropriate measures to protect consumers and children and prevent such illegal activity.

(Sec. 110) Revises copyright infringement criminal provisions to prohibit any person who infringes a copyright by the knowing distribution, including by electronic means, with reckless disregard of the risk of further infringement, during any 180-day period, of: (1) 1,000 or more copies or phonorecords of any copyrighted work; (2) any copies or phonorecords of any copyrighted work with a total retail value of more than \$10,000; or (3) any copies or phonorecords of any copyrighted pre-release work. Provides that evidence of reproduction or distribution of a copyrighted work is not, by itself, sufficient to establish the necessary level of intent. Sets forth penalties for such violations. Establishes damages at no less than \$10,000 per infringement for the distribution of a pre-release work if a person makes it available on a publicly accessible computer network and knows or should have known that the work was intended for commercial distribution.

(Sec. 111) Requires the United States Sentencing Commission to review and amend, if appropriate, the sentencing guidelines and policy statements applicable to persons convicted of intellectual property rights crimes, including by: (1) taking measures to ensure that the guidelines and policy statements are sufficiently stringent to deter, and adequately reflect the nature of, such crimes; (2) determining whether to provide a sentencing enhancement for those convicted of such offenses if the conduct involves the display, performance, publication, reproduction, or distribution of a copyrighted work before it has been authorized; (3) determining 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) determining whether the 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.

Family Movie Act of 2004 - (Sec. 112) Amends Federal copyright law to create an exemption from copyright infringement for: (1) the making imperceptible, by or at the direction of a private household, of limited portions of audio or video content of a motion picture during a performance in or transmitted to that household for private home viewing from an authorized copy of the motion picture; or (2) the creation or provision of technology that enables such editing, is designed and marketed for such use, creates no fixed copy of the altered version, and makes no changes, deletions, or additions to commercial advertisements or promotional announcements that would otherwise be performed or displayed.

Amends the Trademark Act of 1946 to protect from liability for trademark infringement: (1) persons who engage in the above-referenced conduct; and (2) manufacturers of technology that enables such editing if notice is provided that the performance of the movie is altered from the director's or copyright holder's intended performance.

Title II: Miscellaneous - (Sec. 201) Designates the tree genus *Quercus*, commonly known as the oak tree, as the national tree.

Actions Timeline

- **Sep 29, 2004:** Received in the Senate.
- **Sep 28, 2004:** Mr. Sensenbrenner moved to suspend the rules and pass the bill, as amended.
- **Sep 28, 2004:** Considered under suspension of the rules. (consideration: CR H7654-7660)
- **Sep 28, 2004:** DEBATE - The House proceeded with forty minutes of debate on H.R. 4077.
- **Sep 28, 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 H7655-7657)
- **Sep 28, 2004:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H7655-7657)
- **Sep 28, 2004:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 24, 2004:** Reported (Amended) by the Committee on Judiciary. H. Rept. 108-700.
- **Sep 24, 2004:** Reported (Amended) by the Committee on Judiciary. H. Rept. 108-700.
- **Sep 24, 2004:** Placed on the Union Calendar, Calendar No. 428.
- **Sep 8, 2004:** Committee Consideration and Mark-up Session Held.
- **Sep 8, 2004:** Ordered to be Reported (Amended) by Voice Vote.
- **Mar 31, 2004:** Introduced in House
- **Mar 31, 2004:** Introduced in House
- **Mar 31, 2004:** Referred to the House Committee on the Judiciary.
- **Mar 31, 2004:** Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.
- **Mar 31, 2004:** Subcommittee Consideration and Mark-up Session Held.
- **Mar 31, 2004:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote.