

HR 5439

Orphan Works Act of 2006

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Commerce

Introduced: May 22, 2006

Current Status: Forwarded by Subcommittee to Full Committee by Voice Vote .

Latest Action: Forwarded by Subcommittee to Full Committee by Voice Vote . (May 24, 2006)

Official Text: <https://www.congress.gov/bill/109th-congress/house-bill/5439>

Sponsor

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

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

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported by	May 24, 2006

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

No related bills are listed.

Orphan Works Act of 2006 - Limits the remedies available in a copyright infringement action if the infringer proves that: (1) the infringer performed and documented a reasonably diligent search in good faith to locate the copyright owner before using the work, but was unable to locate the owner; and (2) the infringing use of the work provided attribution to the author and owner of the copyright, if known.

Requires the Register of Copyrights to make information available from authoritative sources to assist users in conducting and documenting a reasonably diligent search.

Permits an award of reasonable compensation for the use of the infringed work, except if: (1) the infringement is performed without any commercial advantage and for primarily a charitable, religious, scholarly, or educational purpose; and (2) the infringer ceases the infringement expeditiously after receiving notice of the claim for infringement.

Allows the court to impose injunctive relief to prevent or restrain the infringing use, but such relief shall account for harm caused to the infringer due to reliance on having performed a reasonably diligent search. Prohibits the court from imposing injunctive relief that restrains the continued preparation or use of a new work that recasts, transforms, adapts, or integrates the infringed work with the infringer's original expression in a new work of authorship if the infringer pays reasonable compensation and provides attribution to the copyright owner.

Requires the Register of Copyrights to conduct an inquiry with respect to remedies for copyright infringement claims seeking limited amounts of monetary relief, including consideration of alternatives to disputes currently heard in the U.S. district courts.

Actions Timeline

- **May 24, 2006:** Subcommittee Consideration and Mark-up Session Held.
- **May 24, 2006:** Forwarded by Subcommittee to Full Committee by Voice Vote .
- **May 23, 2006:** Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.
- **May 22, 2006:** Introduced in House
- **May 22, 2006:** Introduced in House
- **May 22, 2006:** Referred to the House Committee on the Judiciary.