

S 2913

Shawn Bentley Orphan Works Act of 2008

Congress: 110 (2007–2009, Ended)

Chamber: Senate

Policy Area: Commerce

Introduced: Apr 24, 2008

Current Status: Referred to the House Committee on the Judiciary.

Latest Action: Referred to the House Committee on the Judiciary. (Sep 27, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/senate-bill/2913>

Sponsor

Name: Sen. Leahy, Patrick J. [D-VT]

Party: Democratic • State: VT • Chamber: Senate

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Hatch, Orrin G. [R-UT]	R · UT		Apr 24, 2008
Sen. Bennett, Robert F. [R-UT]	R · UT		Sep 8, 2008

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	May 15, 2008
Judiciary Committee	House	Referred To	Sep 27, 2008

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
110 HR 5889	Related bill	May 7, 2008: Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote .

Shawn Bentley Orphan Works Act of 2008 - Limits the remedies in a civil action brought for infringement of copyright in an orphan work, notwithstanding specified provisions and subject to exceptions, if the infringer meets certain requirements, including proving that: (1) the infringer performed and documented a reasonably diligent search in good faith to locate and identify the copyright owner before using the work, but was unable to locate and identify the owner; and (2) the infringing use of the work provided attribution to the owner of the copyright, if known. Requires a search to include methods that are reasonable and appropriate given the circumstances, including in some circumstances: (1) Copyright Office records that are not available through the Internet; and (2) resources for which a charge or subscription is imposed.

Limits monetary compensation to reasonable compensation for the use of the infringed work. Prohibits such compensation if the infringer is a nonprofit educational institution, museum, library, or archive, or a public broadcasting entity and if the infringer proves that: (1) the infringement is performed without any purpose of commercial advantage and is primarily educational, religious, or charitable in nature; and (2) the infringer ceases the infringement expeditiously after receiving notice of the claim for infringement. Allows injunctive relief to prevent or restrain infringement, subject to exception and limitation.

Directs the Register of Copyrights to: (1) undertake a process to certify that databases are available that facilitate searching for pictorial, graphic, and sculptural works protected by copyright; (2) report to the House and Senate judiciary committees on the implementation and effects of certain amendments made by this Act, including any recommendations for legislative changes; and (3) report to those committees on remedies for copyright infringement claims by an individual copyright owner or a related group of copyright owners seeking small amounts of monetary relief.

Directs the Comptroller General to report to such committees on the function of the deposit requirement in the copyright registration system.

Actions Timeline

- **Sep 27, 2008:** Received in the House.
- **Sep 27, 2008:** Message on Senate action sent to the House.
- **Sep 27, 2008:** Referred to the House Committee on the Judiciary.
- **Sep 26, 2008:** Measure laid before Senate by unanimous consent. (consideration: CR S9867-9872; text of measure as reported in Senate: CR S9867-9869)
- **Sep 26, 2008:** The committee substitute as amended agreed to by Unanimous Consent.
- **Sep 26, 2008:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(text: CR S9870-9872)
- **Sep 26, 2008:** Passed Senate with an amendment by Unanimous Consent. (text: CR S9870-9872)
- **May 15, 2008:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **May 15, 2008:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **May 15, 2008:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 738.
- **Apr 24, 2008:** Introduced in Senate
- **Apr 24, 2008:** Sponsor introductory remarks on measure. (CR S3405-3406)
- **Apr 24, 2008:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S3406-3407)