

HR 5889

Orphan Works Act of 2008

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Apr 24, 2008

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

Latest Action: Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote . (May 7, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/5889>

Sponsor

Name: Rep. Berman, Howard L. [D-CA-28]

Party: Democratic • State: CA • Chamber: House

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Coble, Howard [R-NC-6]	R · NC		Apr 24, 2008
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		Apr 24, 2008
Rep. Smith, Lamar [R-TX-21]	R · TX		Apr 24, 2008

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported by	May 7, 2008

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
110 S 2913	Related bill	Sep 27, 2008: Referred to the House Committee on the Judiciary.

Orphan Works Act of 2008 - Limits the remedies in a civil action brought for infringement of copyright in an orphan work 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; (2) a Notice of Use was filed with the Register of Copyrights before the work was used; and (3) the infringing use of the work provided attribution to the owner of the copyright, if known.

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.

Directs the Register of Copyrights to: (1) undertake a certification process for the establishment of an electronic database to facilitate the search for pictorial, graphic, and sculptural works that are subject to copyright protection; and (2) study and report to Congress 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 study and report to Congress on the function of the deposit requirement in the copyright registration system .

Actions Timeline

- **May 7, 2008:** Subcommittee Consideration and Mark-up Session Held.
- **May 7, 2008:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote .
- **Apr 28, 2008:** Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.
- **Apr 24, 2008:** Introduced in House
- **Apr 24, 2008:** Referred to the House Committee on the Judiciary.