

## ***Family Movie Act.***

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108th CONGRESS

2d Session

H. R. 4586

To provide that making limited portions of audio or video content of motion pictures imperceptible by or for the owner or other lawful possessor of an authorized copy of that motion picture for private home viewing, and the use of technology therefor, is not an infringement of copyright or of any right under the Trademark Act of 1946.

IN THE HOUSE OF REPRESENTATIVES

June 16, 2004

Mr. SMITH of Texas (for himself and Mr. FORBES) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To provide that making limited portions of audio or video content of motion pictures imperceptible by or for the owner or other lawful possessor of an authorized copy of that motion picture for private home viewing, and the use of technology therefor, is not an infringement of copyright or of any right under the Trademark Act of 1946.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

### **SECTION 1. SHORT TITLE.** ➡

This Act may be cited as the 'Family Movie Act of 2004' .

## **SEC. 2. EXEMPTION FROM COPYRIGHT INFRINGEMENT FOR SKIPPING OF AUDIO OR VIDEO CONTENT OF MOTION PICTURES.** ➡

Section 110 of title 17, United States Code, is amended--

1. in paragraph (9), by striking 'and' after the semicolon at the end;
2. in paragraph (10), by striking the period at the end and inserting `; and'; and
3. by inserting after paragraph (10) the following:  
  
`(11)  
  
A. the making of limited portions of audio or video content of a motion picture imperceptible by or for the owner or other lawful possessor of an authorized copy of that motion picture in the course of viewing of that work for private use in a household, by means of consumer equipment or services that are operated by an individual in that household and serve only such household; and  
  
B. the use of technology to make such audio or video content imperceptible, that does not create a fixed copy of the altered version.'.

## **SEC. 3. EXEMPTION FROM TRADEMARK INFRINGEMENT FOR SKIPPING OF AUDIO OR VIDEO CONTENT OF MOTION PICTURES.** ➡

Section 31 of the Trademark Act of 1946 (15 U.S.C. 1114) is amended by adding at the end the following:

3. A. Any person who engages in the conduct described in paragraph (11) of section 110 of title 17, United States Code, and who complies with the requirements set forth in that paragraph is not liable on account of such conduct for a violation of any right under this Act.  
  
B. A manufacturer of technology that enables the making of limited portions of audio or video content of a motion picture imperceptible that is authorized under subparagraph (A) is not liable on account of such manufacture for a violation of any right under this Act. Such manufacturer shall ensure that the technology provides a clear and conspicuous notice that the performance of the motion picture is altered from the performance intended by the director or copyright holder of the motion picture.  
  
C. Any manufacturer of technology described in subparagraph (B) who fails to comply with the requirements of subparagraph (B) with respect to a motion picture shall be liable in a civil action brought by the copyright owner of the motion picture that is modified by the technology in an amount not to exceed \$1,000 for each such motion picture.'.

#### **SEC. 4. DEFINITION.** ➡

In this Act, the term `Trademark Act of 1946' means the Act entitled `An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes', approved July 5, 1945 (15 U.S.C. 1051 et seq.).