

115TH CONGRESS
1ST SESSION

H. R. 3350

To amend title 17, United States Code, to establish a database of nondramatic musical works and sound recordings to help entities that wish to publicly perform such works and recordings to identify and compensate the owners of rights in such works and recordings, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2017

Mr. SENSENBRENNER (for himself, Mr. CHABOT, Ms. DELBENE, and Mr. FARENTHOLD) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 17, United States Code, to establish a database of nondramatic musical works and sound recordings to help entities that wish to publicly perform such works and recordings to identify and compensate the owners of rights in such works and recordings, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transparency in Music
5 Licensing and Ownership Act”.

1 **SEC. 2. ESTABLISHMENT OF DATABASE FOR NONDRAMATIC**
2 **MUSICAL WORKS AND SOUND RECORDINGS.**

3 (a) NONDRAMATIC MUSICAL WORKS AND SOUND RE-
4 CORDINGS DATABASE.—Chapter 7 of title 17, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 711. Nondramatic musical works and sound re-**
8 **cordings database**

9 “(a) ESTABLISHMENT AND MAINTENANCE.—The
10 Register of Copyrights shall establish and maintain an in-
11 formational database of nondramatic musical works and
12 sound recordings subject to protection under this title.

13 “(b) CONTENTS.—The database established under
14 subsection (a) shall include, at a minimum, for each non-
15 dramatic musical work and sound recording subject to
16 protection under this title, the following information:

17 “(1) The title.

18 “(2) The copyright registration date, if any.

19 “(3) An identification of each owner of the
20 copyright of the work or recording.

21 “(4) An identification of any entity, including a
22 performing rights society, music publisher, or record
23 label, through which the work or recording may be
24 licensed.

25 “(5) The international standard musical work
26 code or the international standard recording code.

1 “(6) The name of each recording artist featured
2 on the work or recording.

3 “(7) Each album title containing the work or
4 recording.

5 “(8) Each catalog number and each label name
6 used on phonorecords of the work made and distrib-
7 uted to the public.

8 “(9) Any other information the Register of
9 Copyrights determines to be appropriate or nec-
10 essary.

11 “(c) ACCESSIBILITY.—The Register of Copyrights
12 shall make the database established under subsection (a)
13 publicly available, in its entirety, without charge, in a for-
14 mat that reflects current technological practices. The Reg-
15 ister of Copyrights may revise and update the technical
16 requirements of the database as necessary to ensure con-
17 tinued accessibility.

18 “(d) LIMITATION ON REMEDIES.—

19 “(1) IN GENERAL.—Notwithstanding sections
20 502 through 506, in an action brought under this
21 title for infringement of the exclusive right to per-
22 form publicly, reproduce, or distribute a nondra-
23 matic musical work or sound recording, the remedies
24 available to a copyright owner that has failed to pro-

1 vide or maintain the information described in sub-
2 section (b) shall be limited to—

3 “(A) an order requiring the infringer to
4 pay to the copyright owner actual damages for
5 the public performance, reproduction, or dis-
6 tribution of the infringed work; and

7 “(B) injunctive relief to prevent or restrain
8 any infringement alleged in the civil action.

9 “(2) RELIANCE ON DATABASE INFORMATION.—

10 In an action described in paragraph (1), any relief
11 granted by the court shall, to the extent practicable,
12 account for the reliance of an infringer on any infor-
13 mation included in the database established under
14 subsection (a).

15 “(3) APPLICABILITY.—The limitation described
16 in paragraph (1) only applies to an action brought
17 against the following:

18 “(A) An establishment.

19 “(B) A food service or drinking establish-
20 ment.

21 “(C) A terrestrial broadcast station li-
22 censed as such by the Federal Communications
23 Commission.

1 “(D) An entity operating under one of the
2 statutory licenses described in section 112, 114,
3 or 115.

4 “(E) An entity performing publicly, repro-
5 ducing, or distributing musical works or sound
6 recordings in good faith as demonstrated by evi-
7 dence such as a license agreement in good
8 standing with a performing rights society or
9 other entity authorized to license the use of mu-
10 sical works or sound recordings.

11 “(e) INITIAL TECHNICAL REQUIREMENTS.—The
12 Register of Copyrights shall adopt technical requirements,
13 subject to public notice and comment and a 90-day trial
14 period, in the establishment of the database described
15 under subsection (a), that ensures the database meets the
16 following requirements:

17 “(1) Publicly available from a website main-
18 tained by the Copyright Office and hosted from the
19 copyright.gov domain.

20 “(2) Accessible, in a machine-readable format,
21 through both real-time and bulk application pro-
22 gramming interfaces.

23 “(3) Searchable through the website described
24 in paragraph (1) and the application programming

1 interfaces described in paragraph (2) by the infor-
2 mation required under subsection (b).

3 “(4) Exportable in its entirety to non-propri-
4 etary document formats compatible with standard
5 spreadsheet programs, Extensible Markup Lan-
6 guage, and such other formats as may be deter-
7 mined by the Register.

8 “(f) WORKING GROUP.—

9 “(1) ESTABLISHMENT.—Not later than 45 days
10 after the date of the enactment of this section, the
11 Register of Copyrights shall establish a working
12 group of technical experts representing a wide range
13 of stakeholders to identify, report, and recommend
14 performance objectives, technical capabilities, and
15 technical standards for the database established
16 under subsection (a), including meeting the initial
17 requirements described in subsection (e).

18 “(2) APPOINTMENT OF MEMBERS.—The Li-
19 brarian of Congress, in consultation with the Reg-
20 ister of Copyrights, shall appoint the members of the
21 working group, who shall be individuals or organiza-
22 tions representing, in equal parts, owners and
23 licensors of copyrighted works, users and licensees of
24 copyrighted works, and consumers and public inter-
25 est entities.

1 “(3) REPORT REQUIRED.—Not later than 9
2 months after the date of the enactment of this sec-
3 tion, the working group shall submit to the Register
4 of Copyrights a report on the activities and rec-
5 ommendations of the working group described in
6 paragraph (1). Not later than 14 days after receipt
7 of the report, the Register of Copyrights shall make
8 the report and recommendations of the working
9 group subject to public notice and comment.

10 “(4) COPYRIGHT OFFICE ASSISTANCE.—The
11 Register of Copyrights may appoint an employee of
12 the Copyright Office—

13 “(A) to moderate and direct the work of
14 the working group under this subsection; and

15 “(B) to provide technical assistance to
16 members of the working group, as appropriate.

17 “(5) INITIAL MEETING.—The initial meeting of
18 the working group shall take place not later than 90
19 days after the date of the enactment of this section.

20 “(g) TECHNICAL REVIEW AND UPDATES.—Not later
21 than 3 years after the establishment of the database de-
22 scribed in subsection (a), and every 3 years thereafter, the
23 Register of Copyrights shall review the technical capabili-
24 ties of the database and make any necessary revisions. In
25 conducting the review, the Register shall establish a work-

1 ing group subject to the requirements described in sub-
2 section (f). Any updates to the technical capabilities of the
3 database shall be subject to public notice and comment
4 and a 90-day trial period.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for chapter 7 of title 17, United States Code, is amended
7 by adding at the end the following new item:

“711. Nondramatic musical works and sound recordings database.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect 18 months after the date of
10 the enactment of this Act.

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