

114TH CONGRESS
1ST SESSION

H. R. 862

To amend title 17, United States Code, to provide that the first sale doctrine applies to any computer program that enables a machine or other product to operate.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2015

Mr. FARENTHOLD (for himself and Mr. POLIS) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To amend title 17, United States Code, to provide that the first sale doctrine applies to any computer program that enables a machine or other product to operate.

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 “You Own Devices Act”.

5 **SEC. 2. FIRST SALE DOCTRINE AND CERTAIN COMPUTER**
6 **PROGRAMS.**

7 (a) IN GENERAL.—Section 109 of title 17, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 “(f) TRANSFER OF CERTAIN COMPUTER PRO-
2 GRAMS.—

3 “(1) IN GENERAL.—Notwithstanding section
4 106 or section 117, if a computer program enables
5 any part of a machine or other product to operate,
6 the owner of the machine or other product is entitled
7 to transfer an authorized copy of the computer pro-
8 gram, or the right to obtain such copy, when the
9 owner sells, leases, or otherwise transfers the ma-
10 chine or other product to another person. The right
11 to transfer provided under this subsection may not
12 be waived by any agreement.

13 “(2) SECURITY AND ERROR CORRECTION.—Any
14 right to receive modifications to the computer pro-
15 gram described in paragraph (1) relating in whole or
16 in part to security or error correction that applied
17 to the owner of the machine or other product de-
18 scribed in paragraph (1) shall apply to the person to
19 whom the machine or product and the copy of the
20 computer program are transferred.

21 “(3) TREATMENT OF UNAUTHORIZED COP-
22 IES.—Nothing in this subsection should be construed
23 as permitting the owner of a machine or other prod-
24 uct to retain an unauthorized copy of the computer
25 program described in paragraph (1) after transfer-

1 ring the machine or other product and the copy of
2 the computer program to another person.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall take effect on the date of the enact-
5 ment of this Act and shall apply to transfers of computer
6 programs occurring on or after such date.

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