

117TH CONGRESS
2D SESSION

S. 4178

To address the duration of copyright, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 10, 2022

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To address the duration of copyright, 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 “Copyright Clause Res-
5 toration Act of 2022”.

6 **SEC. 2. DURATION OF COPYRIGHT.**

7 (a) IN GENERAL.—

8 (1) ORIGINAL TERM.—Notwithstanding any
9 provision of title 17, United States Code, or any
10 other provision of law, copyright in any work shall
11 endure for 28 years from the date it was originally
12 secured.

1 (2) EXTENSION.—The holder of a copyright
2 under paragraph (1) shall be entitled to a renewal
3 and extension of the copyright in the applicable work
4 for a further term of 28 years if the holder applies
5 for that renewal and extension during the 1-year pe-
6 riod before the expiration of the original term of the
7 copyright under that paragraph.

8 (b) APPLICATION.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), subsection (a) shall apply with respect to
11 copyright protection for any work fixed on or after
12 the date of enactment of this Act.

13 (2) RETROACTIVE EFFECT.—

14 (A) IN GENERAL.—Subject to subpara-
15 graph (B), subsection (a) shall apply with re-
16 spect to a copyright that, on any date on or
17 after May 1, 2022, is owned by a person that—

18 (i) has a market capitalization of
19 more than \$150,000,000,000; and

20 (ii)(I) is classified under North Amer-
21 ican Industry Classification System code
22 5121 or 71; or

23 (II) engages in substantial activities
24 for which a code described in subclause (I)
25 could be assigned.

1 (B) LICENSING.—If, as of May 1, 2022, a
2 person is operating under a license with respect
3 to a copyright that is subject to subparagraph
4 (A) and that, because of the application of that
5 subparagraph, would expire during the 10-year
6 period beginning on May 1, 2022, that person
7 shall continue to hold the rights contained in
8 that license (to the exclusion of any person not
9 granted those rights by a license before May 1,
10 2022) for a period that is the shorter of—

11 (i) 50 percent of the remaining license
12 term, as of May 1, 2022; or

13 (ii) 10 years, beginning on May 1,
14 2022.

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