

108TH CONGRESS
2D SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. HATCH (for himself, Mr. LEAHY, Mr. FRIST, Mr. DASCHLE, Mr. GRAHAM of South Carolina, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, 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 “Inducing Infringement
5 of Copyrights Act of 2004”.

6 **SEC. 2. INTENTIONAL INDUCEMENT OF COPYRIGHT IN-**
7 **FRINGEMENT.**

8 Section 501 of title 17, United States Code, is
9 amended by adding at the end the following:

1 “(g)(1) In this subsection, the term ‘intentionally in-
2 duces’ means intentionally aids, abets, induces, or pro-
3 cures, and intent may be shown by acts from which a rea-
4 sonable person would find intent to induce infringement
5 based upon all relevant information about such acts then
6 reasonably available to the actor, including whether the
7 activity relies on infringement for its commercial viability.

8 “(2) Whoever intentionally induces any violation
9 identified in subsection (a) shall be liable as an infringer.

10 “(3) Nothing in this subsection shall enlarge or di-
11 minish the doctrines of vicarious and contributory liability
12 for copyright infringement or require any court to unjustly
13 withhold or impose any secondary liability for copyright
14 infringement.”.