To amend title 17, United States Code, to clarify ownership with respect to certain copyrights, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To amend title 17, United States Code, to clarify ownership with respect to certain copyrights, and for other purposes.

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 “Accessibility for Curationists, Creators, Educators, Scholars, and Society to Recordings Act” or the “ACCESS to Recordings Act”.

SEC. 2. COPYRIGHT PROVISIONS.

Title 17, United States Code, is amended—

(1) in section 201, by adding at the end the following:
“(f) Sound Recording Fixed Before February 15, 1972.—Notwithstanding any other provision of this section, with respect to a sound recording fixed before February 15, 1972, the initial owner of the copyright with respect to the work for the purposes of this title shall be the person that owned the copyright, or equivalent right under State law, under State law on the effective date of the ACCESS to Recordings Act.”;

(2) in section 301—

(A) by striking subsection (c); and

(B) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively;

(3) in section 303, by adding at the end the following:

“(c) Notwithstanding subsection (a) and section 304, the copyright in a sound recording—

“(1) fixed before February 15, 1972, subject to paragraph (2), subsists from the effective date of the ACCESS to Recordings Act and endures for a term of 95 years from its first publication, or a term of 120 years from the year of its creation, whichever expires first; and
“(2) published during the period beginning on January 1, 1923, and ending on December 31, 1930, endures until December 31, 2025, if—

“(A) the copyright owner engages in normal commercial exploitation of the work through December 31, 2025; and

“(B) before the date on which protection with respect to the work expires under paragraph (1), the owner of the copyright submits to the Register of Copyrights a notice that—

“(i) complies with such regulations as the Register of Copyrights may issue; and

“(ii) states that the work is subject to the normal commercial exploitation described in subparagraph (A).”; and

(4) in section 412—

(A) in paragraph (1), by striking “or” at the end;

(B) in paragraph (2), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(3) notwithstanding any other provision of this section, any infringement of copyright in a sound recording fixed before February 15, 1972, unless the sound recording has an effective date of registration
that is not later than 1 year after the effective date
of the ACCESS to Recordings Act.”.

SEC. 3. TEMPORARY LIMITATION ON INFRINGEMENT AC-
TIONS.

During the 3-year period beginning on the effective
date of this Act, an award of statutory damages or of at-
torney’s fees may be made with respect to an infringement
of copyright in a sound recording fixed before February
15, 1972, only if—

(1) not later than 180 days before the date on
which the copyright owner brings the action, the
copyright owner provides notice to the alleged in-
fringer regarding—

(A) the registration of the work under title
17, United States Code; and

(B) the alleged infringement of copyright;

and

(2) as of the date on which the copyright owner
brings the action, the alleged infringement has not
ceased.

SEC. 4. REGULATIONS.

Not later than 1 year after the date of enactment
of this Act, the Register of Copyrights may promulgate
regulations to modify the notice, deposit, and registration
requirements under sections 401 through 410 of title 17,
1 United States Code, with respect to a sound recording
2 fixed before February 15, 1972.
3 
4 **SEC. 5. EFFECTIVE DATE.**
5 
6 Except with respect to any regulations that the Register of Copyrights promulgates under section 4, this Act,
7 and the amendments made by this Act, shall take effect
8 on the date that is 1 year after the date of enactment
9 of this Act.