

108TH CONGRESS  
1ST SESSION

# H. R. 2752

To encourage the development and distribution of creative works by enhancing domestic and international enforcement of the copyright laws, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2003

Mr. CONYERS (for himself, Mr. BERMAN, Mr. MEEHAN, Mr. WEXLER, Mr. WEINER, and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To encourage the development and distribution of creative works by enhancing domestic and international enforcement of the copyright laws, 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 “Author, Consumer, and  
5 Computer Owner Protection and Security (ACCOPS) Act  
6 of 2003”.

1 **TITLE I—INCREASED DOMESTIC**  
2 **ENFORCEMENT EFFORTS**

3 **SEC. 101. AUTHORIZED APPROPRIATIONS.**

4 There are authorized to be appropriated for fiscal  
5 year 2004, to the Department of Justice for investigation  
6 and prosecution of violations of title 17, United States  
7 Code, not less than \$15,000,000.

8 **SEC. 102. NATIONAL INTELLECTUAL PROPERTY LAW EN-**  
9 **FORCEMENT COORDINATION COUNCIL.**

10 Section 653(b) of title VI of Public Law 106–58 (15  
11 U.S.C. 1128(b)) is amended by adding at the end the fol-  
12 lowing: “The Council shall develop guidelines to ensure  
13 that its component members share amongst themselves  
14 law enforcement information related to infringement of  
15 United States copyrighted works.”

16 **SEC. 103. ENHANCED CRIMINAL COPYRIGHT REPORTING.**

17 Section 2320(f) of title 28, United States Code, is  
18 amended by striking “Beginning with the first year after  
19 the date of enactment of this subsection, the Attorney  
20 General shall include in the report of the Attorney General  
21 to Congress on the business of the Department of Justice  
22 prepared pursuant to section 522 of title 28,” and insert-  
23 ing “Beginning with the first year after the date of enact-  
24 ment of this subsection, the Attorney General shall submit

1 to the House and Senate Judiciary Committees on a bian-  
2 nual basis,”

3           **TITLE II—INCREASED INTER-**  
4           **NATIONAL           ENFORCEMENT**  
5           **EFFORTS**

6           **SEC. 201. INFORMATION SHARING.**

7           (a) IN GENERAL.—Subject to the limitations in sec-  
8 tion 202, the Attorney General of the United States shall  
9 provide to a foreign authority evidence to assist such au-  
10 thority—

11                   (1) in determining whether a person has vio-  
12 lated any of the copyright laws administered or en-  
13 forced by the foreign authority; or

14                   (2) in enforcing any of such foreign copyright  
15 laws.

16           (b) EXAMPLES OF TYPE OF EVIDENCE.—Such evi-  
17 dence includes evidence obtained pursuant to criminal  
18 complaints or to investigations of violations of sections  
19 2318, 2319, 2319A, and 2320 of title 17, United States  
20 Code that explains, analyzes, or describes—

21                   (1) the nature of the violation;

22                   (2) the technological means through which vio-  
23 lations of the copyright law has occurred;

24                   (3) the identity and location of the person who  
25 has committed such violation; or

1 (4) the estimated financial loss caused by the  
2 violation.

3 **SEC. 202. LIMITATIONS.**

4 The Attorney General shall not provide evidence  
5 under section 201—

6 (1) that is a matter occurring before a grand  
7 jury with respect to which disclosure is prohibited by  
8 Federal Rules of Criminal Procedure;

9 (2) that is classified; or

10 (3) that should not be disclosed for national se-  
11 curity reasons.

12 **TITLE III—ANTI-PIRACY TOOLS**

13 **SEC. 301. CRIMINAL PENALTIES FOR PLACING WORKS ON**  
14 **COMPUTER NETWORKS.**

15 Section 506(a) of title 17, United States Code, is  
16 amended—

17 (1) by striking “, United States Code”; and

18 (2) by adding at the end the following: “For  
19 purposes of section 2319(b) of title 18, the placing  
20 of a copyrighted work, without the authorization of  
21 the copyright owner, on a computer network acces-  
22 sible to members of the public who are able to copy  
23 the work through such access shall be considered to  
24 be the distribution, during a 180-day period, of at

1 least 10 copies of that work with a retail value of  
2 more than \$2,500.”.

3 **SEC. 302. NOTICE AND CONSENT.**

4 (a) IN GENERAL.—Chapter 89 of title 18, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 **“§ 1822. Notice and consent relating to certain soft-  
8 ware**

9 “(a) Whoever knowingly offers enabling software for  
10 download over the Internet and does not—

11 “(1) clearly and conspicuously warn any person  
12 downloading that software, before it is downloaded,  
13 that it is enabling software and could create a secu-  
14 rity and privacy risk for the user’s computer; and

15 “(2) obtain that person’s prior consent to the  
16 download after that warning;

17 shall be fined under this title or imprisoned not more than  
18 6 months, or both.

19 “(b) As used in this section, the term ‘enabling soft-  
20 ware’ means software that, when installed on the user’s  
21 computer, enables 3rd parties to store data on that com-  
22 puter, or use that computer to search other computers’  
23 contents over the Internet.”.

24 (b) AMENDMENT TO TABLE OF SECTIONS.—The  
25 table of sections at the beginning of chapter 89 of title

1 18, United States Code, is amended by adding at the end  
2 the following new item:

“1822. Notice and consent relating to certain software.”.

3 **SEC. 303. CRIMINAL PENALTIES FOR FALSE INFORMATION**  
4 **IN REGISTRATION OF DOMAIN NAMES.**

5 (a) IN GENERAL.—Chapter 47 of title 18, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new section:

8 **“§ 1037. Fraudulent information in registering do-**  
9 **main name**

10 “(a) OFFENSE.—Whoever knowingly and with intent  
11 to defraud provides material and misleading false contact  
12 information to a domain name registrar, domain name  
13 registry, or other domain name registration authority in  
14 registering a domain name shall be fined under this title  
15 or imprisoned not more than 5 years, or both.

16 “(b) DEFINITIONS.—In this section—

17 “(1) the term ‘domain name’ means any alpha-  
18 numeric designation which is registered with or as-  
19 signed by a domain name registrar, domain name  
20 registry, or other domain name registration author-  
21 ity as part of an electronic address on the Internet;  
22 and

1           “(2) the term ‘Internet’ has the meaning given  
2           that term in section 230(f)(1) of the Communica-  
3           tions Act of 1034 (47 U.S.C. 230(f)(1)).”.

4           (b) CONFORMING AMENDMENT.—The table of sec-  
5           tions for chapter 47 of title 18, United States Code, is  
6           amended by adding at the end the following new item:

          “1037. Fraudulent information in registering domain name.”.

7           **SEC. 304. PREVENTION OF SURREPTITIOUS RECORDING IN**  
8                                 **THEATERS.**

9           Section 506(a) of title 17, United States Code, is  
10          amended—

11                 (1) in paragraph (1), by striking “or” after the  
12          comma;

13                 (2) in paragraph (2), by inserting “or” after  
14          “\$1,000,”; and

15                 (3) by inserting after paragraph (2) the fol-  
16          lowing:

17                         “(3) by the unauthorized reproduction or re-  
18          cording of a motion picture as it is being performed  
19          or displayed in a motion picture theater,”.

20           **SEC. 305. EVIDENTIARY STANDARDS FOR CRIMINAL WILL-**  
21                                 **FULNESS.**

22           (a) OFFENSE.—Section 506(a) of title 17, United  
23          States Code, as amended by section 301 of this Act, is  
24          further amended by adding at the end the following: “The

1 knowing and intentional provision of material and mis-  
2 leading false contact information to a domain name reg-  
3 istrar, domain name registry, or other domain name reg-  
4 istration authority in registering a domain name shall be  
5 considered evidence of willfulness with respect to infringe-  
6 ments committed by the domain name registrant through  
7 the use of that domain name.”.

8 (b) DEFINITION.—Section 506 of title 17, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing:

11 “(g) DEFINITIONS.—In this section—

12 “(1) the term ‘domain name’ means any alpha-  
13 numeric designation which is registered with or as-  
14 signed by a domain name registrar, domain name  
15 registry, or other domain name registration author-  
16 ity as part of an electronic address on the Internet;  
17 and

18 “(2) the term ‘Internet’ has the meaning given  
19 that term in section 230(f)(1) of the Communica-  
20 tions Act of 1034 (47 U.S.C. 230(f)(1)).”.

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