# Union Calendar No. 569

102D CONGRESS
2D SESSION

# S. 893

**[Report No. 102–997]**

To amend title 18, United States Code, to impose criminal sanctions for violation of software copyright.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 1992

Referred to the Committee on the Judiciary

OCTOBER 3, 1992

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

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# AN ACT

To amend title 18, United States Code, to impose criminal sanctions for violation of software copyright.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

~~That (a) section 2319(b)(1) of title 18, United States Code, is amended—~~

~~(1) in paragraph (B) by striking "or" after the semicolon;~~

(2) redesignating paragraph (C) as paragraph (D);

(3) by adding after paragraph (B) the following:

"(C) involves the reproduction or distribution, during any 180-day period, of at least 50 copies infringing the copyright in one or more computer programs (including any tape, disk, or other medium embodying such programs); or";

(4) in new paragraph (D) by striking "or" after "recording,"; and

(5) in new paragraph (D) by adding ", or a computer program", before the semicolon.

(b) Section 2319(b)(2) of title 18, United States Code, is amended—

(1) in paragraph (A) by striking "or" after the semicolon;

(2) in paragraph (B) by striking "and" at the end thereof and inserting "or"; and

(3) by adding after paragraph (B) the following:

"(C) involves the reproduction or distribution, during any 180-day period, of more than 10 but less than 50 copies infringing the copy-

~~right in one or more computer programs (including any tape, disk, or other medium embodying such programs); and".~~

~~(c) Section 2319(c) of title 18, United States Code, is amended—~~

~~(1) in paragraph (1) by striking "and" after the semicolon;~~

~~(2) in paragraph (2) by striking the period at the end thereof and inserting "; and"; and~~

~~(3) by adding at the end thereof the following:~~

~~"(3) the term 'computer program' has the same meaning as set forth in section 101 of title 17, United States Code.".~~

***SECTION 1. CRIMINAL PENALTIES FOR COPYRIGHT INFRINGEMENT.***

*Section 2319(b) of title 18, United States Code, is amended to read as follows:*

*"(b) Any person who commits an offense under subsection (a) of this section—*

*"(1) shall be imprisoned not more than 5 years, or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution, during any 180-day period, of at least 10 copies or phonorecords, of 1 or more copyrighted works, with a retail value of more than $2,500;*

*"(2) shall be imprisoned not more than 10 years, or fined in the amount set forth in this title, or both, if the offense is a second or subsequent offense under paragraph (1); and*

*"(3) shall be imprisoned not more than 1 year, or fined in the amount set forth in this title, or both, in any other case.".*

***SEC. 2. CONFORMING AMENDMENTS.***

*Section 2319(c) of title 18, United States Code, is amended—*

*(1) in paragraph (1) by striking " 'sound recording', 'motion picture', 'audiovisual work', 'phonorecord'," and inserting " 'phonorecord' "; and*

*(2) in paragraph (2) by striking "118" and inserting "120".*

Amend the title so as to read: "An Act to amend title 18, United States Code, with respect to the criminal penalties for copyright infringement.".

Passed the Senate June 4 (legislative day, March 26), 1992.

Attest: WALTER J. STEWART,

*Secretary.*

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