Materials on the No Electronic Theft (NET) Act

Selected Sections of the Copyright Act of 1976 (as amended by the No Electronic Theft (NET) Act, Public Law 105-147)

[EDITOR'S NOTE: TEXT WITHIN THESE SYMBOLS [O> <O] IS OVERSTRUCK IN THE SOURCE.]

TITLE 17 -- COPYRIGHTS

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§ 101. Definitions.

Except as otherwise provided in this title, as used in this title, the following terms and their variant forms mean the following:

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The term "financial gain" includes receipt, or expectation of receipt, of anything of value, including the receipt of other copyrighted works.

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§ 506. Criminal offenses.

[O>(a) Criminal infringement. Any person who infringes a copyright willfully and for purposes of commercial advantage or private financial gain shall be punished as provided in section 2319 of title 18.<O]

(a) CRIMINAL INFRINGEMENT--Any person who infringes a copyright willfully either--

(1) for purposes of commercial advantage or private financial gain, or

(2) by the reproduction or distribution, including by electronic means, during any 180-day period, of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than $ 1,000, shall be punished as provided under section 2319 of title 18, United States Code. For purposes of this subsection, evidence of reproduction or distribution of a copyrighted work, by itself, shall not be sufficient to establish willful infringement.

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§ 507. Limitations on actions.

(a) Criminal proceedings. No criminal proceeding shall be maintained under the provisions of this title unless it is commenced within [O>three<O] 5 years after the cause of action arose.

(b) Civil actions. No civil action shall be maintained under the provisions of this title unless it is commenced within three years after the claim accrued.