Calendar No. 437

102D CONGRESS
2D SESSION

S. 893

[Report No. 102–268]

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

IN THE SENATE OF THE UNITED STATES

APRIL 23 (legislative day, APRIL 9), 1991

Mr. HATCH (for himself, Mr. DECONCINI and Mr. GORTON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

APRIL 7 (legislative day, MARCH 26), 1992
Reported by Mr. BIDEN, without amendment

A BILL

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

1   *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 That (a) section 2319(b)(1) of title 18, United States

4 Code, is amended—

5   (1) in paragraph (B) by striking "or" after the

6   semicolon;

1   (2) redesignating paragraph (C) as paragraph

2   (D);

3   (3) by adding after paragraph (B) the fol-

4   lowing:

5   "(C) involves the reproduction or dis-

6   tribution, during any 180-day period, of at least

7   50 copies infringing the copyright in one or

8   more computer programs (including any tape,

9   disk, or other medium embodying such pro-

10   grams); or";

11   (4) in new paragraph (D) by striking "or" after

12   "recording,"; and

13   (5) in new paragraph (D) by adding ", or a

14   computer program", before the semicolon.

15   (b) Section 2319(b)(2) of title 18, United States

16 Code, is amended—

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

18   semicolon;

19   (2) in paragraph (B) by striking "and" at the

20   end thereof and inserting "or"; and

21   (3) by adding after paragraph (B) the fol-

22   lowing:

23   "(C) involves the reproduction or dis-

24   tribution, during any 180-day period, of more

25   than 10 but less than 49 copies infringing the

1   copyright in one or more computer programs

2   (including any tape, disk, or other medium em-

3   bodying such programs); and".

4   (c) Section 2319(c) of title 18, United States Code,

5 is amended—

6   (1) in paragraph (1) by striking "and" after

7 the semicolon;

8   (2) in paragraph (2) by striking the period at

9 the end thereof and inserting "; and"; and

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

11   "(3) the term 'computer program' has the same

12 meaning as set forth in section 101 of title 17, Unit-

13 ed States Code.".

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criminal sanctions for violation of software copy-
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