



Senate Approves Cornyn-Feinstein Anti-Piracy Bill June 25, 2004

Washington, DC – The U.S. Senate today unanimously passed legislation sponsored by U.S. Senators John Cornyn (R-TX) and Dianne Feinstein (D-Calif.) that would crack down on video and audio piracy, which is having an increasingly damaging impact on the entertainment industry.

“The increasing piracy of movies, software and music hinders the ability of artists to be compensated for their hard work,” Senator Feinstein said. **“This bill will help end the piracy of movies, music and other copyrighted materials, the most egregious form of which denies the rightful owner the opportunity to market their product first.”**

Specifically, the bill makes it illegal to:

- Create unauthorized recordings of motion pictures in a movie theater or any other public motion picture exhibition facility, such as a drive-in or screening room, regardless of whether an admission fee is charged.

An offense would be punishable by up to 3 years in prison and/or a fine or up to 6 years in prison and/or a fine if it is a subsequent offense.

- Post pre-released versions of movies, music, software, or other copyrighted works (including movies that have not yet been commercially-released on DVD or video) on the Internet or other computer networks, such as a peer-to-peer file-sharing network, where the public can download or reproduce the work without the express consent of the copyright holder.

An offense would be punishable by up to 5 years in prison and/or a fine or up to 10 years in prison and/or a fine if it is a subsequent offense.

“Giving artists the economic incentive to produce cutting edge works is critical to our country,” Senator Feinstein said. **“I am so pleased that the Senate has approved this bill to help prevent the illegal distribution of these ‘pre-released’ works online.”**

The Register of Copyrights will issue regulations and establish procedures for pre-registration of a work being prepared for commercial distribution and that has not yet been published in order to increase the registration of copyrighted material and provide a clear civil remedy for infringement.

A work being prepared for commercial distribution is defined as:

1. A computer program, a non-dramatic musical work, a motion picture or other audiovisual work, or a sound recording, if at the time of the unauthorized distribution the copyright owner has a reasonable expectation of commercial distribution, and copies of the work have not been commercially distributed; or
2. A motion picture, if at the time of the unauthorized distribution, the motion picture has been made available for viewing in a motion picture exhibition facility, or has not been made available in copies for sale to the general public in the United States in a format intended to permit viewing outside a motion picture exhibition facility.

Following are two recent examples of video piracy:

- In September 2003, in Burbank, California, a theater employee caught Johnny Ray Gasca using sophisticated equipment, including a camera attached to a belt, to record the movie *The Core*. A month later, Gasca was spotted by a Universal Pictures executive at another screening recording the movie *8 Mile*. FBI agents who searched Gasca's home in Hollywood later found 11 VHS recorders, video editing equipment and other devices which he used to pirate films.
- In February 2004, three former employees of a Hollywood post-production company were charged with misdemeanor counts of conspiring to violate federal copyright laws by illegally making copies of Mel Gibson's then-unreleased *The Passion of the Christ* and the popular *Kill Bill, Volume 1* as well as other films.

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