



## Senate Judiciary Committee Approves Cornyn-Feinstein Anti-Piracy Bill April 29, 2004

**Washington, DC** – The Senate Judiciary Committee today approved 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.

**“Online piracy of movies, software and music is a growing problem, which threatens the ability of artists to be compensated for their work,”** Senator Feinstein said. **“This bill will help end the most egregious form of copyright piracy: the piracy of movies, music and other copyrighted materials before the copyright owner has even had a chance to market their product.”**

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.

**“Giving artists the economic incentive to produce cutting edge works is critical to our country,”** Senator Feinstein said. **“This is why I feel so strongly that Congress needs to pass this bill and prevent the illegal distribution of these ‘pre-released’ works online.”**

Specifically, the bill would make 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.

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.

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