



Cornyn-Feinstein Legislation to Curb Copyright Piracy, Protect Artists' Rights, Unanimously Clears Senate

-- ART Act reintroduced last month as part of legislative package to combat online piracy of film, music, movies and other copyrighted materials passed on voice vote --

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Washington, DC — Anti-piracy legislation introduced by U.S. Sens. John Cornyn (R-Texas) and Dianne Feinstein (D-Calif.), members of the Senate Judiciary Committee, cleared the Senate late Tuesday on a unanimous voice vote. The Senators reintroduced the Artists' Rights and Theft Prevention Act (ART Act) on January 25 as part of a legislative package aimed at combating the growing threat that copyright piracy poses to consumers, the entertainment industry, and the U.S. economy. The ART Act increases penalties for distribution of pre-release copyrighted works, and provides a means for copyright owners to be compensated for economic harm caused by the theft and release of their work. Use of camcorders in theaters will also be criminalized at the federal level for the first time.

The ART Act was reintroduced as part of S. 167, the Family Entertainment and Copyright Act (FECA) which is comprised of four independent bills originally introduced in the 108th Congress, including the ART Act (S.1932), the Family Movie Act (H.R. 4586), the National Film Preservation Act (H.R. 3569) and the Preservation of Orphan Works Act (H.R. 5136). Sen. Orrin Hatch (R-Utah) is the lead sponsor of FECA. Cosponsors include Sens. Patrick Leahy (D-Vt.), John Cornyn (R-Texas), and Dianne Feinstein (D-Calif.). The House version of the legislative package was introduced by Rep. Lamar Smith (R-Texas).

“This important, bipartisan legislation will crack down on what has become a growth industry in this era of rapid technological development: the theft and distribution of copyrighted material. I appreciate my colleagues moving this bill so quickly, and urge our friends in the House to do the same,” Cornyn said. **“I’m grateful for the work of Sen. Feinstein on this bill. Both of our home states, Texas and California, are disproportionately affected by such thefts, and it’s important to protect the thousands of related jobs that are put at risk.”**

The entertainment industry is one of the strongest sectors of the United States economy. U.S. copyright industries employ close to six percent of all U.S. workers, leading all major industry sectors in foreign sales and exports.

“The growing piracy of movies, music and software is hurting the ability of artists to be compensated for their hard work,” Sen. Feinstein said. **“The ART Act will ensure that those who steal the creative works of others will be held accountable.”**

“The ART Act is a necessary first step to combat the rampant piracy plaguing the motion picture, recording and general content industries,” Cornyn said in a Senate floor statement. **“The bill focuses on the most egregious form of copyright piracy plaguing the entertainment industry today – the piracy of film, movies, and other copyrighted materials before copyright owners have had the opportunity to market fully their products. Now, as part of this comprehensive package, it is even more significant and I ask my colleagues to move it expeditiously.”**

One key component in FECA is the Family Movie Act, which allows the use of certain, specified technology to skip or mute content that may be objectionable to certain viewers when watching a movie at home, so long as no fixed copy of the edited work is made. The bill simply clarifies that certain technology designed to modify the viewing experience of a movie by skipping over objectionable content does not violate copyright laws

The Cornyn-Feinstein ART Act will enable copyright holders and law enforcement officials to combat the significant, negative economic impact caused by the piracy of pre-releases and the use of recording devices in movie theaters. Specifically, the ART Act:

1. Creates a federal law protecting artists against the use of camcorders and other recording devices in movie theaters
2. Strengthens NET Act provisions in light of the proliferation of peer-to-peer networks to protect against piracy of so called pre-release materials
3. Facilitates prosecution of the most egregious violations of copyright – the illegal distribution of pre-release materials before the copyright holder has a chance to get the product to market
4. Bolsters the ability of copyright owners to protect their copyrights by recovering damages from individuals who illegally distribute pre-release materials – action that, by definition, causes serious economic harm

Sen. Cornyn is a member of the subcommittee on the Constitution, Civil Rights and Property Rights. He is the only former judge on the Judiciary Committee and served previously as Texas Attorney General, Texas Supreme Court Justice, and Bexar County District Judge.

Sen. Feinstein, the first woman Senator to serve on the Judiciary Committee, is the ranking member of the subcommittee on Terrorism, Technology and Homeland Security. She served as Mayor of San Francisco from 1978 to 1988, and was first elected to the Senate in 1992.

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