

108TH CONGRESS  
2D SESSION

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IN THE SENATE OF THE UNITED STATES

Mr. HATCH (for himself, Mr. LEAHY, Mr. FRIST, Mr. DASCHLE, Mr. GRAHAM of South Carolina, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Inducing Infringement  
5 of Copyrights Act of 2004”.

6 **SEC. 2. INTENTIONAL INDUCEMENT OF COPYRIGHT IN-**  
7 **FRINGEMENT.**

8 Section 501 of title 17, United States Code, is  
9 amended by adding at the end the following:

1           “(g)(1) In this subsection, the term ‘intentionally in-  
2 duces’ means intentionally aids, abets, induces, or pro-  
3 cures, and intent may be shown by acts from which a rea-  
4 sonable person would find intent to induce infringement  
5 based upon all relevant information about such acts then  
6 reasonably available to the actor, including whether the  
7 activity relies on infringement for its commercial viability.

8           “(2) Whoever intentionally induces any violation  
9 identified in subsection (a) shall be liable as an infringer.

10          “(3) Nothing in this subsection shall enlarge or di-  
11 minish the doctrines of vicarious and contributory liability  
12 for copyright infringement or require any court to unjustly  
13 withhold or impose any secondary liability for copyright  
14 infringement.”.