To amend title 17, United States Code, to establish a database of nondramatic musical works and sound recordings to help entities that wish to publicly perform such works and recordings to identify and compensate the owners of rights in such works and recordings, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SENSENBRENNER introduced the following bill; which was referred to the Committee on ________________________

A BILL

To amend title 17, United States Code, to establish a database of nondramatic musical works and sound recordings to help entities that wish to publicly perform such works and recordings to identify and compensate the owners of rights in such works and recordings, 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 “Transparency in Music
5 Licensing and Ownership Act”.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,
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This Act may be cited as the “Transparency in Music
Licensing and Ownership Act”.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,
SEC. 2. ESTABLISHMENT OF DATABASE FOR NONDRAMATIC
MUSICAL WORKS AND SOUND RECORDINGS.

(a) NONDRAMATIC MUSICAL WORKS AND SOUND RECORDINGS DATABASE.—Chapter 7 of title 17, United
States Code, is amended by adding at the end the fol-
lowing:

"§ 711. Nondramatic musical works and sound re-
cordings database

"(a) ESTABLISHMENT AND MAINTENANCE.—The
Register of Copyrights shall establish and maintain an in-
formational database of nondramatic musical works and
sound recordings subject to protection under this title.

"(b) CONTENTS.—The database established under
subsection (a) shall include, at a minimum, for each non-
dramatic musical work and sound recording subject to
protection under this title, the following information:

"(1) The title.

"(2) The copyright registration date, if any.

"(3) An identification of each owner of the
copyright of the work or recording.

"(4) An identification of any entity, including a
performing rights society, music publisher, or record
label, through which the work or recording may be
licensed.

"(5) The international standard musical work
code or the international standard recording code.
“(6) The name of each recording artist featured on the work or recording.

“(7) Each album title containing the work or recording.

“(8) Each catalog number and each label name used on phonorecords of the work made and distributed to the public.

“(9) Any other information the Register of Copyrights determines to be appropriate or necessary.

“(c) ACCESSIBILITY.—The Register of Copyrights shall make the database established under subsection (a) publicly available, in its entirety, without charge, in a format that reflects current technological practices. The Register of Copyrights may revise and update the technical requirements of the database as necessary to ensure continued accessibility.

“(d) LIMITATION ON REMEDIES.—

“(1) IN GENERAL.—Notwithstanding sections 502 through 506, in an action brought under this title for infringement of the exclusive right to perform publicly, reproduce, or distribute a nondramatic musical work or sound recording, the remedies available to a copyright owner that has failed to pro-
vide or maintain the information described in sub-
section (b) shall be limited to—

“(A) an order requiring the infringer to
pay to the copyright owner actual damages for
the public performance, reproduction, or dis-
tribution of the infringed work; and

“(B) injunctive relief to prevent or restrain
any infringement alleged in the civil action.

“(2) RELIANCE ON DATABASE INFORMATION.—
In an action described in paragraph (1), any relief
granted by the court shall, to the extent practicable,
account for the reliance of an infringer on any infor-
mation included in the database established under
subsection (a).

“(3) APPLICABILITY.—The limitation described
in paragraph (1) only applies to an action brought
against the following:

“(A) An establishment.

“(B) A food service or drinking establish-
ment.

“(C) A terrestrial broadcast station li-
censed as such by the Federal Communications
Commission.
“(D) An entity operating under one of the statutory licenses described in section 112, 114, or 115.

“(E) An entity performing publicly, reproducing, or distributing musical works or sound recordings in good faith as demonstrated by evidence such as a license agreement in good standing with a performing rights society or other entity authorized to license the use of musical works or sound recordings.

“(e) INITIAL TECHNICAL REQUIREMENTS.—The Register of Copyrights shall adopt technical requirements, subject to public notice and comment and a 90-day trial period, in the establishment of the database described under subsection (a), that ensures the database meets the following requirements:

“(1) Public availability on a website maintained by the Copyright Office, with access to the website from the uniform resource locator www.copyright.gov.

“(2) Interoperability, in a machine readable format using a real-time application programming interface.

“(3) Searchable by the information described in subsection (b) and such other reporting require-
ments as may be adopted by the Copyright Office pursuant to this section.

“(4) Exportable in whole or in part to standard spreadsheet programs or in Extensible Markup Language and such other formats as may be determined by the Register.

“(f) WORKING GROUP.—

“(1) ESTABLISHMENT.—Not later than 45 days after the date of the enactment of this section, the Register of Copyrights shall establish a working group of technical experts representing a wide range of stakeholders to identify, report, and recommend performance objectives, technical capabilities, and technical standards for the database established under subsection (a), including meeting the initial requirements described in subsection (e).

“(2) APPOINTMENT OF MEMBERS.—The Librarian of Congress, in consultation with the Register of Copyrights, shall appoint the members of the working group, who shall be individuals or organizations representing, in equal parts, owners and licensors of copyrighted works, users and licensees of copyrighted works, and consumers and public interest entities.
“(3) REPORT REQUIRED.—Not later than 9 months after the date of the enactment of this section, the working group shall submit to the Register of Copyrights a report on the activities and recommendations of the working group described in paragraph (1). Not later than 14 days after receipt of the report, the Register of Copyrights shall make the report and recommendations of the working group subject to public notice and comment.

“(4) COPYRIGHT OFFICE ASSISTANCE.—The Register of Copyrights may appoint an employee of the Copyright Office—

“(A) to moderate and direct the work of the working group under this subsection; and

“(B) to provide technical assistance to members of the working group, as appropriate.

“(5) INITIAL MEETING.—The initial meeting of the working group shall take place not later than 90 days after the date of the enactment of this section.

“(g) TECHNICAL REVIEW AND UPDATES.—Not later than 3 years after the establishment of the database described in subsection (a), and every 3 years thereafter, the Register of Copyrights shall review the technical capabilities of the database and make any necessary revisions. In conducting the review, the Register shall establish a work-
ing group subject to the requirements described in sub-
section (f). Any updates to the technical capabilities of the
database shall be subject to public notice and comment
and a 90-day trial period.”.

(b) **Clerical Amendment.**—The table of chapters
for chapter 7 of title 17, United States Code, is amended
by adding at the end the following new item:

“711. Nondramatic musical works and sound recordings database.”.

(c) **Effective Date.**—The amendments made by
this section shall take effect 18 months after the date of
the enactment of this Act.