

1 (A) The Chairman and Ranking Member
2 of the Committee on Financial Services of the
3 House of Representatives.

4 (B) The Chairman and Ranking Member
5 of the Committee on Banking, Housing, and
6 Urban Affairs of the Senate.

7 (2) BANKING REGULATOR.—The term “banking
8 regulator” means the Board of Governors of the
9 Federal Reserve System, the Comptroller of the Cur-
10 rency, the Federal Deposit Insurance Corporation,
11 and the National Credit Union Administration.

12 (3) SENIOR APPOINTED LEADERSHIP.—With
13 respect to a banking regulator, the term “senior ap-
14 pointed leadership” means a position that requires
15 Senate confirmation.

16 (e) SUNSET.—The provisions of this section shall
17 have no force or effect on or after the date that is 7 years
18 after the date of enactment of this Act.

19 **TITLE II—INTELLECTUAL**
20 **PROPERTY**
21 **Subtitle A—Copyrights**

22 **SEC. 211. UNAUTHORIZED STREAMING.**

23 (a) AMENDMENT.—Chapter 113 of title 18, United
24 States Code, is amended by inserting after section 2319B
25 the following:

1 **“§ 2319C. Illicit digital transmission services**

2 “(a) DEFINITIONS.—In this section—

3 “(1) the terms ‘audiovisual work’, ‘computer
4 program’, ‘copies’, ‘copyright owner’, ‘digital trans-
5 mission’, ‘financial gain’, ‘motion picture’, ‘motion
6 picture exhibition facility’, ‘perform’, ‘phonorecords’,
7 ‘publicly’ (with respect to performing a work),
8 ‘sound recording’, and ‘transmit’ have the meanings
9 given those terms in section 101 of title 17;

10 “(2) the term ‘digital transmission service’
11 means a service that has the primary purpose of
12 publicly performing works by digital transmission;

13 “(3) the terms ‘publicly perform’ and ‘public
14 performance’ refer to the exclusive rights of a copy-
15 right owner under paragraphs (4) and (6) of section
16 106 (relating to exclusive rights in copyrighted
17 works) of title 17, as limited by sections 107
18 through 122 of title 17; and

19 “(4) the term ‘work being prepared for com-
20 mercial public performance’ means—

21 “(A) a computer program, a musical work,
22 a motion picture or other audiovisual work, or
23 a sound recording, if, at the time of unauthor-
24 ized public performance—

1 “(i) the copyright owner has a reason-
2 able expectation of commercial public per-
3 formance; and

4 “(ii) the copies or phonorecords of the
5 work have not been commercially publicly
6 performed in the United States by or with
7 the authorization of the copyright owner;
8 or

9 “(B) a motion picture, if, at the time of
10 unauthorized public performance, the motion
11 picture—

12 “(i)(I) has been made available for
13 viewing in a motion picture exhibition facil-
14 ity; and

15 “(II) has not been made available in
16 copies for sale to the general public in the
17 United States by or with the authorization
18 of the copyright owner in a format in-
19 tended to permit viewing outside a motion
20 picture exhibition facility; or

21 “(ii) had not been commercially pub-
22 licly performed in the United States by or
23 with the authorization of the copyright
24 owner more than 24 hours before the un-
25 authorized public performance.

1 “(b) PROHIBITED ACT.—It shall be unlawful for a
2 person to willfully, and for purposes of commercial advan-
3 tage or private financial gain, offer or provide to the public
4 a digital transmission service that—

5 “(1) is primarily designed or provided for the
6 purpose of publicly performing works protected
7 under title 17 by means of a digital transmission
8 without the authority of the copyright owner or the
9 law;

10 “(2) has no commercially significant purpose or
11 use other than to publicly perform works protected
12 under title 17 by means of a digital transmission
13 without the authority of the copyright owner or the
14 law; or

15 “(3) is intentionally marketed by or at the di-
16 rection of that person to promote its use in publicly
17 performing works protected under title 17 by means
18 of a digital transmission without the authority of the
19 copyright owner or the law.

20 “(c) PENALTIES.—Any person who violates sub-
21 section (b) shall be, in addition to any penalties provided
22 for under title 17 or any other law—

23 “(1) fined under this title, imprisoned not more
24 than 3 years, or both;

1 “(2) fined under this title, imprisoned not more
2 than 5 years, or both, if—

3 “(A) the offense was committed in connec-
4 tion with 1 or more works being prepared for
5 commercial public performance; and

6 “(B) the person knew or should have
7 known that the work was being prepared for
8 commercial public performance; and

9 “(3) fined under this title, imprisoned not more
10 than 10 years, or both, if the offense is a second or
11 subsequent offense under this section or section
12 2319(a).

13 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to—

15 “(1) affect the interpretation of any other pro-
16 vision of civil copyright law, including the limitations
17 of liability set forth in section 512 of title 17, or
18 principles of secondary liability; or

19 “(2) prevent any Federal or State authority
20 from enforcing cable theft or theft of service laws
21 that are not subject to preemption under section 301
22 of title 17.”.

23 “(b) TABLE OF SECTIONS AMENDMENT.—The table of
24 section for chapter 113 of title 18, United States Code,

1 is amended by inserting after the item relating to section
2 2319B the following:

“2319C. Illicit digital transmission services.”.

3 **SEC. 212. COPYRIGHT SMALL CLAIMS.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Copyright Alternative in Small-Claims Enforcement Act
6 of 2020” or the “CASE Act of 2020”.

7 (b) **AMENDMENT.**—Title 17, United States Code, is
8 amended by adding at the end the following:

9 **“CHAPTER 15—COPYRIGHT SMALL**
10 **CLAIMS**

“1501. Definitions.

“1502. Copyright Claims Board.

“1503. Authority and duties of the Copyright Claims Board.

“1504. Nature of proceedings.

“1505. Registration requirement.

“1506. Conduct of proceedings.

“1507. Effect of proceeding.

“1508. Review and confirmation by district court.

“1509. Relationship to other district court actions.

“1510. Implementation by Copyright Office.

“1511. Funding.

11 **“§ 1501. Definitions**

12 “In this chapter—

13 “(1) the term ‘claimant’ means the real party
14 in interest that commences a proceeding before the
15 Copyright Claims Board under section 1506(e), pur-
16 suant to a permissible claim of infringement brought
17 under section 1504(c)(1), noninfringement brought
18 under section 1504(c)(2), or misrepresentation
19 brought under section 1504(c)(3);