

17 U.S. Code § 1201 - Circumvention of copyright protection systems

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(a) VIOLATIONS REGARDING CIRCUMVENTION OF TECHNOLOGICAL MEASURES.—

(1)

(A) No person shall circumvent a technological measure that effectively controls access to a work protected under this title. The prohibition contained in the preceding sentence shall take effect at the end of the 2-year period beginning on the date of the enactment of this chapter.

(2) No person shall manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, device, component, or part thereof, that—

(A)

is primarily designed or produced for the purpose of circumventing a technological measure that effectively controls access to a work protected under this title;

(B)

has only limited commercially significant purpose or use other than to circumvent a technological measure that effectively controls access to a work protected under this title; or

(C)

is marketed by that person or another acting in concert with that person with that person's knowledge for use in circumventing a technological measure that effectively controls access to a work protected under this title.

(3) As used in this subsection—

(A)

to “circumvent a technological measure” means to descramble a scrambled work, to decrypt an encrypted work, or otherwise to avoid, bypass, remove, deactivate, or impair a technological measure, without the authority of the copyright owner; and

(B)

a technological measure “effectively controls access to a work” if the measure, in the ordinary course of its operation, requires the application of information, or a process or a treatment, with the authority of the copyright owner, to gain access to the work.

17 U.S. Code § 1202 - Integrity of copyright management information

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(a) FALSE COPYRIGHT MANAGEMENT INFORMATION.—No person shall knowingly and with the intent to induce, enable, facilitate, or conceal infringement—

(1)

provide [copyright management information](#) that is false, or

(2)

distribute or import for distribution [copyright management information](#) that is false.

(b) REMOVAL OR ALTERATION OF COPYRIGHT MANAGEMENT INFORMATION.—No person shall, without the authority of the copyright owner or the law—

(1)

intentionally remove or alter any [copyright management information](#),

(2)

distribute or import for distribution [copyright management information](#) knowing that the [copyright management information](#) has been removed or altered without authority of the copyright owner or the law, or

(3)

distribute, import for distribution, or [publicly perform](#) works, [copies](#) of works, or [phonorecords](#), knowing that [copyright management information](#) has been removed or altered without authority of the copyright owner or the law,

knowing, or, with respect to civil remedies under section 1203, having reasonable grounds to know, that it will induce, enable, facilitate, or conceal an infringement of any right under this title.

(c) DEFINITION.—As used in this section, the term “[copyright management information](#)” means any of the following information conveyed in connection with [copies](#) or [phonorecords](#) of a work or performances or [displays](#) of a work, including in digital form, except that such term does not include any personally identifying information about a user of a work or of a copy, phonorecord, performance, or [display](#) of a work:

(1)

The title and other information identifying the work, including the information set forth on a notice of copyright.

(2)

The name of, and other identifying information about, the author of a work.

(3)

The name of, and other identifying information about, the copyright owner of the work, including the information set forth in a notice of copyright.

(4)

With the exception of public performances of works by radio and television [broadcast stations](#), the name of, and other identifying information about, a performer whose performance is fixed in a work other than an audiovisual work.

(5)

With the exception of public performances of works by radio and television [broadcast stations](#), in the case of an audiovisual work, the name of, and other identifying information about, a writer, performer, or director who is credited in the audiovisual work.

(6)

Terms and conditions for use of the work.

(7)

Identifying numbers or symbols referring to such information or links to such information.

(8)

Such other information as the Register of Copyrights may prescribe by regulation, except that the Register of Copyrights may not require the provision of any information concerning the user of a copyrighted work.

(d) LAW ENFORCEMENT, INTELLIGENCE, AND OTHER GOVERNMENT ACTIVITIES.—

This section does not prohibit any lawfully authorized investigative, protective, [information security](#), or intelligence activity of an officer, agent, or employee of the United [States](#), a [State](#), or a political subdivision of a [State](#), or a person acting pursuant to a contract with the United [States](#), a [State](#), or a political subdivision of a [State](#). For purposes of this subsection, the term “[information security](#)” means activities carried out in order to identify and address the vulnerabilities of a government computer, computer system, or computer network.

(e) LIMITATIONS ON LIABILITY.—

(1) ANALOG TRANSMISSIONS.—In the case of an analog transmission, a person who is making transmissions in its capacity as a [broadcast station](#), or as a [cable system](#), or someone who provides programming to such station or system, shall not be liable for a violation of subsection (b) if—

(A)

avoiding the activity that constitutes such violation is not technically feasible or would create an undue financial hardship on such person; and

(B)

such person did not intend, by engaging in such activity, to induce, enable, facilitate, or conceal infringement of a right under this title.

(2) DIGITAL TRANSMISSIONS.—

(A) If a [digital transmission](#) standard for the placement of [copyright management information](#) for a category of works is set in a voluntary, consensus standard-setting [process](#) involving a representative cross-section of [broadcast stations](#) or [cable systems](#) and copyright owners of a category of works that are intended for public performance by such stations or systems, a person identified in paragraph (1) shall not be liable for a violation of subsection (b) with respect to the particular [copyright management information](#) addressed by such standard if—

(i)

the placement of such information by someone other than such person is not in accordance with such standard; and

(ii)

the activity that constitutes such violation is not intended to induce, enable, facilitate, or conceal infringement of a right under this title.

(B) Until a [digital transmission](#) standard has been set pursuant to subparagraph (A) with respect to the placement of [copyright management information](#) for a category of works, a person identified in paragraph (1) shall not be liable for a violation of subsection (b) with respect to such [copyright management information](#), if the activity that constitutes such violation is not intended to induce, enable, facilitate, or conceal infringement of a right under this title, and if—

(i)

the transmission of such information by such person would result in a perceptible visual or aural degradation of the digital signal; or

(ii) the transmission of such information by such person would conflict with—

(I)

an applicable government regulation relating to transmission of information in a digital signal;

(II)

an applicable industry-wide standard relating to the transmission of information in a digital signal that was adopted by a voluntary consensus standards body prior to the effective date of this chapter; or

(III)

an applicable industry-wide standard relating to the transmission of information in a digital signal that was adopted in a voluntary, consensus standards-setting [process](#) open to participation by a representative cross-section of [broadcast stations](#) or [cable systems](#) and copyright owners of a category of works that are intended for public performance by such stations or systems.

(3) DEFINITIONS.—As used in this subsection—

(A)

the term “[broadcast station](#)” has the meaning given that term in section 3 of the Communications Act of 1934 ([47 U.S.C. 153](#)); and

(B)

the term “[cable system](#)” has the meaning given that term in section 602 of the Communications Act of 1934 ([47 U.S.C. 522](#)).

(Added [Pub. L. 105–304, title I](#), § 103(a), Oct. 28, 1998, [112 Stat. 2872](#); amended [Pub. L. 106–44](#), § 1(e), Aug. 5, 1999, [113 Stat. 222](#).)

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(a) CIVIL ACTIONS.—

Any person injured by a violation of section 1201 or 1202 may bring a civil action in an appropriate United States district court for such violation.

(b) POWERS OF THE COURT.—In an action brought under subsection (a), the court—

(1) may grant temporary and permanent injunctions on such terms as it deems reasonable to prevent or restrain a violation, but in no event shall impose a prior restraint on free speech or the press protected under the 1st amendment to the Constitution;

(2) at any time while an action is pending, may order the impounding, on such terms as it deems reasonable, of any device or product that is in the custody or control of the alleged violator and that the court has reasonable cause to believe was involved in a violation;

(3) may award damages under subsection (c);

(4) in its discretion may allow the recovery of costs by or against any party other than the United States or an officer thereof;

(5) in its discretion may award reasonable attorney's fees to the prevailing party; and

(6) may, as part of a final judgment or decree finding a violation, order the remedial modification or the destruction of any device or product involved in the violation that is in the custody or control of the violator or has been impounded under paragraph (2).

(c) AWARD OF DAMAGES.—

(1) IN GENERAL.—Except as otherwise provided in this title, a person committing a violation of section 1201 or 1202 is liable for either—

(A) the actual damages and any additional profits of the violator, as provided in paragraph (2), or

(B) statutory damages, as provided in paragraph (3).

(2) ACTUAL DAMAGES.—

The court shall award to the complaining party the actual damages suffered by the party as a result of the violation, and any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages, if the complaining party elects such damages at any time before final judgment is entered.

(3) STATUTORY DAMAGES.—

(A) At any time before final judgment is entered, a complaining party may elect to recover an award of statutory damages for each violation of section 1201 in the sum of not less than \$200 or more than \$2,500 per act of circumvention, device, product, component, offer, or performance of service, as the court considers just.

(B) At any time before final judgment is entered, a complaining party may elect to recover an award of statutory damages for each violation of section 1202 in the sum of not less than \$2,500 or more than \$25,000. (Your attorney notes: this refers to distribution – even making a gift of it)

(4) REPEATED VIOLATIONS.—

In any case in which the injured party sustains the burden of proving, and the court finds, that a person has violated section 1201 or 1202 within 3 years after a final judgment was entered against the person for another such violation, the court may increase the award of damages up to triple the amount that would otherwise be awarded, as the court considers just.

(5) INNOCENT VIOLATIONS.—

(A) In general.—

The court in its discretion may reduce or remit the total award of damages in any case in which the violator sustains the burden of proving, and the court finds, that the violator was not aware and had no reason to believe that its acts constituted a violation.

(B) Nonprofit library, archives, educational institutions, or public broadcasting entities.—

(i) Definition.—

In this subparagraph, the term “public broadcasting entity” has the meaning given such term under section 118(f).

(ii) In general.—

In the case of a nonprofit library, archives, educational institution, or public broadcasting entity, the court shall remit damages in any case in which the library, archives, educational institution, or public broadcasting entity sustains the burden of proving, and the court finds, that the library, archives, educational institution, or public broadcasting entity was not aware and had no reason to believe that its acts constituted a violation.

As to the “FCA” or “Federal Communications Act”

47 U.S. Code § 605 - Unauthorized publication or use of communications

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(a) PRACTICES PROHIBITED

Except as authorized by chapter 119, title 18, no [person](#) receiving, assisting in receiving, transmitting, or assisting in transmitting, any interstate or foreign [communication by wire](#) or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized [channels](#) of transmission or reception, (1) to any [person](#) other than the addressee, his [agent](#), or attorney, (2) to a [person](#) employed or authorized to forward such communication to its destination, (3) to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, (4) to the [master](#) of a [ship](#) under whom he is serving, (5) in response to a subpoena issued by a court of competent jurisdiction, or (6) on demand of other lawful authority. No [person](#) not being authorized by the sender shall intercept any [radio communication](#) and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any [person](#). No [person](#) not being entitled thereto shall receive or assist in receiving any interstate or foreign [communication by radio](#) and use such communication (or any information therein contained) for his own benefit or for the benefit of another not entitled thereto.

No [person](#) having received any intercepted [radio communication](#) or having become acquainted with the contents, substance, purport, effect, or meaning of such communication (or any part thereof) knowing that such communication was intercepted, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of such communication (or any part thereof) or use such communication (or any information therein contained) for his own benefit or for the benefit of another not entitled thereto. This section shall not apply to the receiving, divulging, publishing, or utilizing the contents of any [radio communication](#) which is transmitted by any [station](#) for the use of the general public, which relates to [ships](#), aircraft, vehicles, or [persons](#) in distress, or which is transmitted by an amateur [radio station](#) operator or by a citizens band radio [operator](#).

(b) EXCEPTIONS The provisions of subsection (a) shall not apply to the interception or receipt by any individual, or the assisting (including the manufacture or sale) of such interception or receipt, of any [satellite cable programming](#) for [private viewing](#) if—

(1) the programming involved is not encrypted; and

(2)

(A) a marketing system is not established under which—

(i)

an [agent](#) or [agents](#) have been lawfully designated for the purpose of authorizing [private viewing](#) by individuals, and

(ii)

such authorization is available to the individual involved from the appropriate [agent](#) or [agents](#); or

(B)

a marketing system described in subparagraph (A) is established and the individuals receiving such programming has obtained authorization for [private viewing](#) under that system.

(c) SCRAMBLING OF PUBLIC BROADCASTING SERVICE PROGRAMMING

No [person](#) shall [encrypt](#) or continue to [encrypt](#) satellite delivered programs included in the National Program Service of the Public [Broadcasting](#) Service and intended for public viewing by retransmission by television [broadcast stations](#); except that as long as at least one unencrypted satellite transmission of any program subject to this subsection is provided, this subsection shall not prohibit additional encrypted satellite transmissions of the same program.

(d) DEFINITIONS For purposes of this section—

(1)

the term “[satellite cable programming](#)” means [video programming](#) which is transmitted via satellite and which is primarily intended for the direct receipt by [cable operators](#) for their retransmission to cable subscribers;

(2)

the term “[agent](#)”, with respect to any [person](#), includes an employee of such [person](#);

(3)

the term “[encrypt](#)”, when used with respect to [satellite cable programming](#), means to transmit such programming in a form whereby the aural and visual characteristics (or both) are modified or altered for the purpose of preventing the unauthorized receipt of such programming by [persons](#) without authorized equipment which is designed to eliminate the effects of such modification or alteration;

(4)

the term “[private viewing](#)” means the viewing for private use in an individual’s dwelling unit by means of equipment, owned or operated by such individual, capable of receiving [satellite cable programming](#) directly from a satellite;

(5)

the term “[private financial gain](#)” shall not include the gain resulting to any individual for the private use in such individual’s dwelling unit of any programming for which the individual has not obtained authorization for that use; and

(6)

the term “[any person aggrieved](#)” shall include any [person](#) with proprietary rights in the intercepted [communication by wire](#) or radio, including wholesale or retail distributors of [satellite cable programming](#), and, in the case of a violation of paragraph (4) of subsection (e), shall also include any [person](#) engaged in the lawful manufacture, distribution, or sale of equipment necessary to authorize or receive [satellite cable programming](#).

(e) PENALTIES; CIVIL ACTIONS; REMEDIES; ATTORNEY’S FEES AND COSTS; COMPUTATION OF DAMAGES; REGULATION BY STATE AND LOCAL AUTHORITIES

(1)

Any [person](#) who willfully violates subsection (a) shall be fined not more than \$2,000 or imprisoned for not more than 6 months, or both.

(2)

Any [person](#) who violates subsection (a) willfully and for purposes of direct or indirect commercial advantage or [private financial gain](#) shall be fined not more than \$50,000 or imprisoned for not more than 2 years, or both, for the first such conviction and shall be fined not more than \$100,000 or imprisoned for not more than 5 years, or both, for any subsequent conviction.

(3)

(A)

[Any person aggrieved](#) by any violation of subsection (a) or paragraph (4) of this subsection may bring a civil action in a [United States](#) district court or in any other court of competent jurisdiction.

(B) The court—

(i)

may grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain violations of subsection (a);

(ii)

may award damages as described in subparagraph (C); and

(iii)

shall direct the recovery of full costs, including awarding reasonable attorneys' fees to an aggrieved party who prevails.

(C)

(i) Damages awarded by any court under this section shall be computed, at the election of the aggrieved party, in accordance with either of the following subclauses:

(I)

the party aggrieved may recover the actual damages suffered by him as a result of the violation and any profits of the violator that are attributable to the violation which are not taken into account in computing the actual damages; in determining the violator's profits, the party aggrieved shall be required to prove only the violator's gross revenue, and the violator shall be required to prove his deductible expenses and the elements of profit attributable to factors other than the violation; or

(II)

the party aggrieved may recover an award of statutory damages for each violation of subsection (a) involved in the action in a sum of not less than \$1,000 or more than \$10,000, as the court considers just, and for each violation of paragraph (4) of this subsection involved in the action an aggrieved party may recover statutory damages in a sum not less than \$10,000, or more than \$100,000, as the court considers just.

(ii)

In any case in which the court finds that the violation was committed willfully and for purposes of direct or indirect commercial advantage or [private financial gain](#), the court in its discretion may increase the award of damages, whether actual or statutory, by an amount of not more than \$100,000 for each violation of subsection (a).

(iii)

In any case where the court finds that the violator was not aware and had no reason to believe that his acts constituted a violation of this section, the court in its discretion may reduce the award of damages to a sum of not less than \$250.

Added lawyer notes: Please note the redundancy in these sections. Although it rarely comes into play, The Wiretap Act (18 U.S. Code) occasionally, but rarely, comes into play.