85TH CONGRESS
1ST SESSION

H. R. 6914

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 1957

Mr. CURTIS of Massachusetts (by request) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28 of the United States Code relating to actions for infringements of copyrights by the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1498 of title 28 of the United States Code is hereby amended by inserting the letter "(a)" at the beginning of the section and adding at the end thereof a new subsection "(b)" reading as follows:

"(b) Whenever the copyright in any work protected under the copyright laws of the United States is infringed by the United States, by a corporation owned or controlled by the United States, or by a contractor, subcontractor, or any person, firm or corporation acting for the Government

FINAL ACTION

and with the authorization or consent of the Government, the exclusive remedy of the owner of the copyright is by action against the United States in the Court of Claims for the recovery of his reasonable and entire compensation as damages for such infringement, including the minimum statutory damages as set forth in section 101 (b) of title 17, United States Code.

"A Government employee shall have a right of action against the Government under this subsection except where he was in a position to order, influence, or induce use of the copyrighted work by the Government.

"This subsection confers no right of action on any copyright owner or any assignee of that owner with respect to any copyrighted work prepared by a person while in the employment or service of the United States, where the copyrighted work was prepared as a part of the official functions of the employee, or in the preparation of which Government time, material or facilities were used."

SEC. 2. The catchline of section 1498 of title 28, United States Code, is amended to read—

"§ 1498. Patent and copyright cases".

The item identified as

"1498. Patent cases"

in the chapter analysis of chapter 91 of title 28, United States Code, is amended to read—

"1498. Patent and copyright cases".

SEC. 3. This Act takes effect on January 1, 1957.

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By Mr. CURTIS of Massachusetts

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