NAFTA Implementation Act (Public Law 103-182)

PUBLIC LAW 103-182 -- DECEMBER 8, 1993

An Act

To implement the North American Free Trade Agreement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.--This Act may be cited as the "North American Free Trade Agreement Implementation Act".

* * * * *

SEC. 332. RENTAL RIGHTS IN SOUND RECORDINGS.

Section 4 of the Record Rental Amendment of 1984 *(17 U.S.C. 109* note) is amended by striking out subsection (c).

SEC. 334. MOTION PICTURES IN THE PUBLIC DOMAIN.

(a) IN GENERAL.--Chapter 1 of title 17, United States Code, is amended by inserting after section 104 the following new section:

''§ 104A. Copyright in certain motion pictures

"(a) RESTORATION OF COPYRIGHT.--Subject to subsections (b) and (c)--

"(1) any motion picture that is first fixed or published in the territory of a NAFTA country as defined in section 2(4) of the North American Free Trade Agreement Implementation Act to which Annex 1705.7 of the North American Free Trade Agreement applies, and

"(2) any work included in such motion picture that is first fixed in or published with such motion picture, that entered the public domain in the United States because it was first published on or after January 1, 1978, and before March 1, 1989, without the notice required by section 401, 402, or 403 of this title, the absence of which has not been excused by the operation of section 405 of this title, as such sections were in effect during that period, shall have copyright protection under this title for the remainder of the term of copyright protection to which it would have been entitled in the United States had it been published with such notice.

"(b) EFFECTIVE DATE OF PROTECTION.--The protection provided under subsection (a) shall become effective, with respect to any motion picture or work included in such motion picture meeting the criteria of that subsection, 1 year after the date on which the North American Free Trade Agreement enters into force with respect to, and the United States applies the Agreement to, the country in whose territory the motion picture was first fixed or published if, before the end of that 1-year period, the copyright owner in the motion picture or work files with the Copyright Office a statement of intent to have copyright protection restored under subsection (a). The Copyright Office shall publish in the Federal Register promptly after that effective date a list of motion pictures, and works included in such motion pictures, for which protection is provided under subsection (a).

"(c) USE OF PREVIOUSLY OWNED COPIES.--A national or domiciliary of the United States who, before the date of the enactment of the North American Free Trade Agreement Implementation Act, made or acquired copies of a motion picture, or other work included in such motion picture, that is subject to protection under subsection (a), may sell or distribute such copies or continue to perform publicly such motion picture and other work without liability for such sale, distribution, or performance, for a period of 1 year after the date on which the list of motion pictures, and

works included in such motion pictures, that are subject to protection under subsection (a) is published in the Federal Register under subsection (b).".

(b) CONFORMING AMENDMENT.--The table of sections at the beginning of chapter 1 of title 17, United States Code, is amended by inserting after the item relating to section 104 the following new item:

"104A. Copyright in certain motion pictures."