II

102D CONGRESS
1ST SESSION

S. 1035

To amend section 107 of title 17, United States Code, relating to fair use with regard to unpublished copyrighted works.

IN THE SENATE OF THE UNITED STATES

MAY 9 (legislative day, APRIL 25), 1991

Mr. SIMON (for himself, Mr. LEAHY, Mr. HATCH, Mr. DECONCINI, Mr. KENNEDY, Mr. KOHL, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To amend section 107 of title 17, United States Code, relating to fair use with regard to unpublished copyrighted works.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 107 of title 17, United States Code, is amended by adding at the end thereof the following:

"The fact that a work is unpublished is an important element which tends to weigh against a finding of fair use, but shall not diminish the importance traditionally accorded to any other consideration under this section, and shall

not bar a finding of fair use, if such finding is made upon full consideration of all the above factors.".

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