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(Original Signature of Member)

110TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend title 17, United States Code, to promote innovation, to encourage the introduction of new technology, to enhance library preservation efforts, and to protect the fair use rights of consumers, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. BOUCHER (for himself and Mr. DOOLITTLE) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title 17, United States Code, to promote innovation, to encourage the introduction of new technology, to enhance library preservation efforts, and to protect the fair use rights of consumers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Freedom And Innova-  
5 tion Revitalizing U.S. Entrepreneurship Act of 2007”.

1 **SEC. 2. COPYRIGHT INFRINGEMENT.**

2 (a) STATUTORY DAMAGES ADJUSTMENT.—Section  
3 504(c)(2) of title 17, United States Code, is amended by  
4 adding at the end the following: “The court shall remit  
5 statutory damages for secondary infringement, except in  
6 a case in which the copyright owner sustains the burden  
7 of proving, and the court finds, that the act or acts consti-  
8 tuting such secondary infringement were done under cir-  
9 cumstances in which no reasonable person could have be-  
10 lieved such conduct to be lawful.”

11 (b) CODIFICATION OF SUPREME COURT PRECEDENT  
12 APPLICABLE TO HARDWARE DEVICES.—Section 501 of  
13 title 17, United States Code, is amended by adding at the  
14 end the following:

15 “(g) CERTAIN HARDWARE DEVICES.—No person  
16 shall be liable for copyright infringement based on the de-  
17 sign, manufacture, or distribution of a hardware device  
18 that is capable of substantial, commercially significant  
19 noninfringing use.”.

20 **SEC. 3. DMCA AMENDMENTS.**

21 (a) CODIFICATION OF DETERMINATION OF LIBRAR-  
22 IAN OF CONGRESS.—Section 1201(a)(1) of title 17,  
23 United States Code, is amended by adding at the end the  
24 following new subparagraph:

25 “(F) The prohibition contained in subparagraph (A)  
26 shall not apply to a person by reason of that person’s en-

1 gaging in a noninfringing use of any of the 6 classes of  
2 copyrighted works set forth in the determination of the  
3 Librarian of Congress in Docket No. RM 2005-11, as pub-  
4 lished as a final rule by the Copyright Office, Library of  
5 Congress, effective November 27, 2006 (71 F. R. 68472  
6 (Nov. 27, 2006)).”.

7 (b) EXTENSION OF DETERMINATIONS OF LIBRARIAN  
8 OF CONGRESS.—Section 1201(a)(1) of title 17, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing new subparagraph:

11 “(G) The prohibition contained in subparagraph (A)  
12 shall not apply to—

13 “(i) an act of circumvention that is carried out  
14 solely for the purpose of making a compilation of  
15 portions of audiovisual works in the collection of a  
16 library or archives for educational use in a classroom  
17 by an instructor;

18 “(ii) an act of circumvention that is carried out  
19 solely for the purpose of enabling a person to skip  
20 past or to avoid commercial or personally objection-  
21 able content in an audiovisual work;

22 “(iii) an act of circumvention that is carried out  
23 solely for the purpose of enabling a person to trans-  
24 mit a work over a home or personal network, except  
25 that this exemption does not apply to the circumven-

1       tion of a technological measure that prevents  
2       uploading of a work to the Internet for mass, indis-  
3       criminate redistribution;

4               “(iv) an act of circumvention that is carried out  
5       solely for the purpose of gaining access to one or  
6       more works in the public domain that are included  
7       in a compilation consisting primarily of works in the  
8       public domain;

9               “(v) an act of circumvention that is carried out  
10       to gain access to a work of substantial public inter-  
11       est solely for purposes of criticism, comment, news  
12       reporting, scholarship, or research; or

13               “(vi) an act of circumvention that is carried out  
14       solely for the purpose of enabling a library or ar-  
15       chives meeting the requirements of section  
16       108(a)(2), with respect to works included in its col-  
17       lection, to preserve or secure a copy or to replace a  
18       copy that is damaged, deteriorating, lost, or stolen.”.