

1 (A) The Chairman and Ranking Member  
2 of the Committee on Financial Services of the  
3 House of Representatives.

4 (B) The Chairman and Ranking Member  
5 of the Committee on Banking, Housing, and  
6 Urban Affairs of the Senate.

7 (2) BANKING REGULATOR.—The term “banking  
8 regulator” means the Board of Governors of the  
9 Federal Reserve System, the Comptroller of the Cur-  
10 rency, the Federal Deposit Insurance Corporation,  
11 and the National Credit Union Administration.

12 (3) SENIOR APPOINTED LEADERSHIP.—With  
13 respect to a banking regulator, the term “senior ap-  
14 pointed leadership” means a position that requires  
15 Senate confirmation.

16 (e) SUNSET.—The provisions of this section shall  
17 have no force or effect on or after the date that is 7 years  
18 after the date of enactment of this Act.

## 19 **TITLE II—INTELLECTUAL** 20 **PROPERTY**

### 21 **Subtitle A—Copyrights**

#### 22 **SEC. 211. UNAUTHORIZED STREAMING.**

23 (a) AMENDMENT.—Chapter 113 of title 18, United  
24 States Code, is amended by inserting after section 2319B  
25 the following:

1 **“§ 2319C. Illicit digital transmission services**

2 “(a) DEFINITIONS.—In this section—

3 “(1) the terms ‘audiovisual work’, ‘computer  
4 program’, ‘copies’, ‘copyright owner’, ‘digital trans-  
5 mission’, ‘financial gain’, ‘motion picture’, ‘motion  
6 picture exhibition facility’, ‘perform’, ‘phonorecords’,  
7 ‘publicly’ (with respect to performing a work),  
8 ‘sound recording’, and ‘transmit’ have the meanings  
9 given those terms in section 101 of title 17;

10 “(2) the term ‘digital transmission service’  
11 means a service that has the primary purpose of  
12 publicly performing works by digital transmission;

13 “(3) the terms ‘publicly perform’ and ‘public  
14 performance’ refer to the exclusive rights of a copy-  
15 right owner under paragraphs (4) and (6) of section  
16 106 (relating to exclusive rights in copyrighted  
17 works) of title 17, as limited by sections 107  
18 through 122 of title 17; and

19 “(4) the term ‘work being prepared for com-  
20 mercial public performance’ means—

21 “(A) a computer program, a musical work,  
22 a motion picture or other audiovisual work, or  
23 a sound recording, if, at the time of unauthor-  
24 ized public performance—

1                   “(i) the copyright owner has a reason-  
2                   able expectation of commercial public per-  
3                   formance; and

4                   “(ii) the copies or phonorecords of the  
5                   work have not been commercially publicly  
6                   performed in the United States by or with  
7                   the authorization of the copyright owner;  
8                   or

9                   “(B) a motion picture, if, at the time of  
10                  unauthorized public performance, the motion  
11                  picture—

12                  “(i)(I) has been made available for  
13                  viewing in a motion picture exhibition facil-  
14                  ity; and

15                  “(II) has not been made available in  
16                  copies for sale to the general public in the  
17                  United States by or with the authorization  
18                  of the copyright owner in a format in-  
19                  tended to permit viewing outside a motion  
20                  picture exhibition facility; or

21                  “(ii) had not been commercially pub-  
22                  licly performed in the United States by or  
23                  with the authorization of the copyright  
24                  owner more than 24 hours before the un-  
25                  authorized public performance.

1           “(b) PROHIBITED ACT.—It shall be unlawful for a  
2 person to willfully, and for purposes of commercial advan-  
3 tage or private financial gain, offer or provide to the public  
4 a digital transmission service that—

5           “(1) is primarily designed or provided for the  
6 purpose of publicly performing works protected  
7 under title 17 by means of a digital transmission  
8 without the authority of the copyright owner or the  
9 law;

10           “(2) has no commercially significant purpose or  
11 use other than to publicly perform works protected  
12 under title 17 by means of a digital transmission  
13 without the authority of the copyright owner or the  
14 law; or

15           “(3) is intentionally marketed by or at the di-  
16 rection of that person to promote its use in publicly  
17 performing works protected under title 17 by means  
18 of a digital transmission without the authority of the  
19 copyright owner or the law.

20           “(c) PENALTIES.—Any person who violates sub-  
21 section (b) shall be, in addition to any penalties provided  
22 for under title 17 or any other law—

23           “(1) fined under this title, imprisoned not more  
24 than 3 years, or both;

1           “(2) fined under this title, imprisoned not more  
2 than 5 years, or both, if—

3           “(A) the offense was committed in connec-  
4 tion with 1 or more works being prepared for  
5 commercial public performance; and

6           “(B) the person knew or should have  
7 known that the work was being prepared for  
8 commercial public performance; and

9           “(3) fined under this title, imprisoned not more  
10 than 10 years, or both, if the offense is a second or  
11 subsequent offense under this section or section  
12 2319(a).

13           “(d) RULE OF CONSTRUCTION.—Nothing in this sec-  
14 tion shall be construed to—

15           “(1) affect the interpretation of any other pro-  
16 vision of civil copyright law, including the limitations  
17 of liability set forth in section 512 of title 17, or  
18 principles of secondary liability; or

19           “(2) prevent any Federal or State authority  
20 from enforcing cable theft or theft of service laws  
21 that are not subject to preemption under section 301  
22 of title 17.”.

23           (b) TABLE OF SECTIONS AMENDMENT.—The table of  
24 section for chapter 113 of title 18, United States Code,

1 is amended by inserting after the item relating to section  
2 2319B the following:

“2319C. Illicit digital transmission services.”.

3 **SEC. 212. COPYRIGHT SMALL CLAIMS.**

4 (a) **SHORT TITLE.**—This section may be cited as the  
5 “Copyright Alternative in Small-Claims Enforcement Act  
6 of 2020” or the “CASE Act of 2020”.

7 (b) **AMENDMENT.**—Title 17, United States Code, is  
8 amended by adding at the end the following:

9 **“CHAPTER 15—COPYRIGHT SMALL**  
10 **CLAIMS**

“1501. Definitions.

“1502. Copyright Claims Board.

“1503. Authority and duties of the Copyright Claims Board.

“1504. Nature of proceedings.

“1505. Registration requirement.

“1506. Conduct of proceedings.

“1507. Effect of proceeding.

“1508. Review and confirmation by district court.

“1509. Relationship to other district court actions.

“1510. Implementation by Copyright Office.

“1511. Funding.

11 **“§ 1501. Definitions**

12 “In this chapter—

13 “(1) the term ‘claimant’ means the real party  
14 in interest that commences a proceeding before the  
15 Copyright Claims Board under section 1506(e), pur-  
16 suant to a permissible claim of infringement brought  
17 under section 1504(c)(1), noninfringement brought  
18 under section 1504(c)(2), or misrepresentation  
19 brought under section 1504(c)(3);