

85TH CONGRESS
1ST SESSION

H. R. 8419

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1957

Mr. NIMTZ 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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 1498 of title 28 of the United States Code is
4 hereby amended by inserting the letter “(a)” at the begin-
5 ning of the section and adding at the end thereof a new
6 subsection “(b)” reading as follows:

7 “(b) Whenever after December 31, 1956, the copy-
8 right in any work protected under the copyright laws of the
9 United States shall be infringed by the United States, by a
10 corporation owned or controlled by the United States, or by
11 a contractor, subcontractor, or any person, firm, or corpora-

1 tion acting for the Government and with the authorization
2 or consent of the Government, the exclusive remedy of the
3 owner of such copyright shall be by action against the
4 United States in the Court of Claims for the recovery of
5 his reasonable and entire compensation as damages for such
6 infringement, including the minimum statutory damages as
7 set forth in section 101 (b) of title 17, United States Code:
8 *Provided*, That a Government employee shall have a right
9 of action against the Government under this subsection except
10 where he was in a position to order, influence, or induce
11 use of the copyrighted work by the Government: *Provided*,
12 *however*, That this subsection shall not confer a right of action
13 on any copyright owner or any assignee of such owner with
14 respect to any copyrighted work prepared by a person while
15 in the employment or service of the United States, where
16 the copyrighted work was prepared as a part of the official
17 functions of the employee, or in the preparation of which
18 Government time, material, or facilities were used: *And*
19 *provided further*, That before such action against the United
20 States has been instituted the appropriate corporation owned
21 or controlled by the United States or the head of the appro-
22 priate department or agency of the Government, as the case
23 may be, is authorized to enter into an agreement with the
24 copyright owner in full settlement and compromise for the
25 damages accruing to him by reason of such infringement

1 and to settle the claim administratively out of available
2 appropriations.

3 "Except as otherwise provided by law, no recovery shall
4 be had for any infringement of a copyright covered by this
5 subsection committed more than three years prior to the filing
6 of the complaint or counterclaim for infringement in the
7 action, except that the period between the date of receipt of a
8 written claim for compensation by the Department or agency
9 of the Government or corporation owned or controlled by the
10 United States, as the case may be, having authority to settle
11 such claim and the date of mailing by the Government of a
12 notice to the claimant that his claim has been denied shall not
13 be counted as a part of the three years, unless suit is brought
14 before the last-mentioned date."

15 SEC. 2. The Act of August 1, 1953 (ch. 305, sec. 609;
16 67 Stat. 350 (31 U. S. Code 649b)) is amended to read
17 as follows:

18 "Appropriations for the military departments available
19 for procurement or manufacture of supplies, equipment,
20 and materials shall hereafter be available for the purchase or
21 other acquisition of (a) copyrights, letters patent, applications
22 for letters patent, (b) licenses under copyrights, under
23 letters patent, and under applications for letters patent, and
24 (c) designs, processes, and manufacturing data; and shall
25 also be available for the purchase or other acquisition of

1 releases, before suit is brought, for past infringement of letters
2 patent or copyrights. Any such purchase or other acquisi-
3 tion shall pertain to supplies, equipment, materials, copy-
4 righted matter, or processes produced or used by or for, or
5 useful to, the department concerned.”

6 SEC. 3. The catchline of section 1498 of title 28, United
7 States Code, is amended to read—

8 “§1498. Patent and copyright cases”.

9 The item identified as

“1498. Patent cases”

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

“1498. Patent and copyright cases”.

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