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(Original Signature of Member)

114TH CONGRESS
1ST SESSION

H. R. _____

To amend section 1201 of title 17, United States Code, to require the infringement of a copyright for a violation of such section, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. LOFGREN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend section 1201 of title 17, United States Code, to require the infringement of a copyright for a violation of such section, 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 “Unlocking Technology
5 Act of 2015”.

1 **SEC. 2. INFRINGEMENT OF A COPYRIGHT REQUIRED FOR**
2 **ANTICIRCUMVENTION PROHIBITION.**

3 (a) AMENDMENTS.—Section 1201(a) of title 17,
4 United States Code, is amended—

5 (1) in paragraph (1)(A)—

6 (A) by amending the first sentence to read
7 as follows: “No person shall, in order to in-
8 fringe or facilitate infringement of a copyright
9 in a work protected under this title, circumvent
10 a technological measure that effectively controls
11 access to that work.”; and

12 (B) by adding at the end the following: “It
13 shall not be a violation of this section to cir-
14 cumvent a technological measure in connection
15 with a work protected under this title if the
16 purpose of such circumvention is to engage in
17 a use that is not an infringement of copyright
18 under this title.”;

19 (2) in paragraph (2)—

20 (A) in subparagraph (A), by inserting after
21 “for the purpose of” the following: “facilitating
22 the infringement of a copyright by”;

23 (B) in subparagraph (B), by striking “cir-
24 cumvent” and inserting “facilitate the infringe-
25 ment of a copyright by circumventing”; and

1 (C) in subparagraph (C), by inserting after
2 “for use in” the following: “facilitating the in-
3 fringement of a copyright by”;

4 (3) by redesignating paragraph (3) as para-
5 graph (4); and

6 (4) by inserting after paragraph (2) the fol-
7 lowing new paragraph:

8 “(3) It is not a violation of this section to use, manu-
9 facture, import, offer to the public, provide, or otherwise
10 traffic in any technology, product, service, device, compo-
11 nent, or part thereof that is primarily designed or pro-
12 duced for the purpose of facilitating noninfringing uses of
13 works protected under this title by circumventing a tech-
14 nological measure that effectively controls access to that
15 work, unless it is the intent of the person that uses, manu-
16 factures, imports, offers to the public, provides, or traffics
17 in the technology, product, service, device, component, or
18 part to infringe copyright or to facilitate the infringement
19 of a copyright.”.

20 (b) REPORT REQUIRED.—

21 (1) IN GENERAL.—Not later than the end of
22 the 9-month period beginning on the date of the en-
23 actment of this Act, the Assistant Secretary for
24 Communications and Information of the Department

1 of Commerce shall submit to the committees de-
2 scribed in paragraph (2) a report on—

3 (A) the impact of section 1201 of title 17,
4 United States Code, on consumer choice, com-
5 petition, and free flow of information;

6 (B) whether section 1201 of such title
7 should be reformed in part, reformed entirely,
8 or repealed; and

9 (C) barriers and challenges to such reform
10 or repeal, including international trade agree-
11 ments and treaties.

12 (2) COMMITTEES.—The committees described
13 in this paragraph are the following:

14 (A) The Committees on the Judiciary and
15 Energy and Commerce of the House of Rep-
16 resentatives.

17 (B) The Committees on the Judiciary and
18 Commerce, Science, and Transportation of the
19 Senate.

20 **SEC. 3. NETWORK SWITCHING NOT INFRINGEMENT.**

21 Section 117 of title 17, United States Code, is
22 amended—

23 (1) by redesignating subsection (d) as sub-
24 section (e); and

1 (2) by inserting after subsection (c) the fol-
2 lowing new subsection:

3 “(d) NETWORK SWITCHING.—Notwithstanding the
4 provisions of section 106, it is not an infringement to copy
5 or adapt the software or firmware of a user-purchased mo-
6 bile communications device for the sole purpose of ena-
7 bling the device to connect to a wireless communications
8 network if—

9 “(1) the copying or adapting is initiated by, or
10 with the consent of, the owner of that device or the
11 owner’s agent;

12 “(2) the owner of that device or the owner’s
13 agent is in legal possession of the device; and

14 “(3) the owner of that device has the consent
15 of, or an agreement with, the authorized operator of
16 such wireless communications network to make use
17 of that wireless communications network.”.

18 **SEC. 4. HARMONIZATION OF TRADE AGREEMENTS.**

19 The President shall take the necessary steps to secure
20 modifications to applicable bilateral and multilateral trade
21 agreements to which the United States is a party in order
22 to ensure that such agreements are consistent with the
23 amendments made by this Act.

1 **SEC. 5. EFFECTIVE DATE.**

2 (a) AMENDMENTS.—The amendments made by this
3 Act shall apply to acts carried out after the expiration of
4 the 9-month period beginning on the date of the enact-
5 ment of this Act.

6 (b) REPORT.—Sections 2(b) and 4 shall take effect
7 on the date of the enactment of this Act.