

Chapter 11¹

Sound Recordings and Music Videos

§ 1101 · Unauthorized fixation and trafficking in sound recordings and music videos

(a) UNAUTHORIZED ACTS. — Anyone who, without the consent of the performer or performers involved —

(1) fixes the sounds or sounds and images of a live musical performance in a copy or phonorecord, or reproduces copies or phonorecords of such a performance from an unauthorized fixation,

(2) transmits or otherwise communicates to the public the sounds or sounds and images of a live musical performance, or

(3) distributes or offers to distribute, sells or offers to sell, rents or offers to rent, or traffics in any copy or phonorecord fixed as described in paragraph (1), regardless of whether the fixations occurred in the United States,

shall be subject to the remedies provided in sections 502 through 505, to the same extent as an infringer of copyright.

(b) DEFINITION. — As used in this section, the term “traffic in” means transport, transfer, or otherwise dispose of, to another, as consideration for anything of value, or make or obtain control of with intent to transport, transfer, or dispose of.

(c) APPLICABILITY. — This section shall apply to any act or acts that occur on or after the date of the enactment of the Uruguay Round Agreements Act.

(d) STATE LAW NOT PREEMPTED. — Nothing in this section may be construed to annul or limit any rights or remedies under the common law or statutes of any State.

Chapter 11 · Endnote

1. In 1994, the Uruguay Round Agreements Act added chapter 11, entitled “Sound Recordings and Music Videos,” to title 17. Pub. L. No. 103-465, 108 Stat. 4809, 4974.