

108TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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IN THE SENATE OF THE UNITED STATES

Mr. HATCH (for himself, Mr. LEAHY, and Mr. FRIST) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, 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 “Inducement Devolves  
5 into Unlawful Child Exploitation Act of 2004”.

6 **SEC. 2. INTENTIONAL INDUCEMENT OF COPYRIGHT IN-**  
7 **FRINGEMENT.**

8 Section 501 of title 17, United States Code, is  
9 amended by adding at the end the following:

1           “(g)(1) In this subsection, the term ‘intentionally in-  
2 duces’ means intentionally aids, abets, induces, counsels,  
3 or procures, and intent may be shown by acts from which  
4 a reasonable person would find intent to induce infringe-  
5 ment based upon all relevant information about such acts  
6 then reasonably available to the actor, including whether  
7 the activity relies on infringement for its commercial via-  
8 bility.

9           “(2) Whoever intentionally induces any violation  
10 identified in subsection (a) shall be liable as an infringer.

11           “(3) Nothing in this subsection shall enlarge or di-  
12 minish the doctrines of vicarious and contributory liability  
13 for copyright infringement or require any court to unjustly  
14 withhold or impose any secondary liability for copyright  
15 infringement.”.