

# **A BILL**

To amend chapter 5 of title 17, United States Code, relating to secondary and vicarious liability for copyright infringement, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

## **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Inducing Innovation Act of 2004.”

## **SECTION 2. COPYRIGHT LIABILITY FOR THE ACTS OF ANOTHER.**

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

(g)(1) For purposes of this subsection, an “accomplice to copyright infringement” is one, who, with the intent of promoting or facilitating a specific act of infringement, actively commands, aids, induces, or willfully causes such other person to commit the infringement.

(2) No person shall be secondarily or vicariously liable for copyright infringement unless that person was an accomplice to copyright infringement.

(3) Nothing in this subsection shall lead a provider of goods or services to be held liable for copyright infringement:

(i) if the good or services is widely used for legitimate, unobjectionable purposes or is capable of substantial noninfringing uses; or

(ii) based upon mere knowledge that a good or service is capable of being used for copyright infringement.