

section except as otherwise provided in this section.

(B) APPLICABILITY OF DEFINITIONS.—Any term used in this section that is defined in section 101 shall have the meaning given that term in section 101.

(g) APPLICATION OF SECTION 230 SAFE HARBOR.—For purposes of section 230 of the Communications Act of 1934 (47 U.S.C. 230), subsection (a) shall be considered to be a “law pertaining to intellectual property” under subsection (e)(2) of such section 230.

(h) APPLICATION TO RIGHTS OWNERS.—

(1) TRANSFERS.—With respect to a rights owner described in subsection (l)(2)(B)—

(A) subsections (d) and (e) of section 201 and section 204 shall apply to a transfer described in subsection (l)(2)(B) to the same extent as with respect to a transfer of copyright ownership; and

(B) notwithstanding section 411, that rights owner may institute an action with respect to a violation of this section to the same extent as the owner of an exclusive right under a copyright may institute an action under section 501(b).

(2) APPLICATION OF OTHER PROVISIONS.—The following provisions shall apply to a rights owner under this section to the same extent as any copyright owner:

- (A) Section 112(e)(2).
- (B) Section 112(e)(7).
- (C) Section 114(e).
- (D) Section 114(h).

(i) EPHEMERAL RECORDINGS.—An authorized reproduction made under this section shall be subject to section 112(g) to the same extent as a reproduction of a sound recording fixed on or after February 15, 1972.

(j) RULE OF CONSTRUCTION.—A rights owner of, or featured recording artist who performs on, a sound recording under this chapter shall be deemed to be an interested copyright party, as defined in section 1001, to the same extent as a copyright owner or featured recording artist under chapter 10.

(k) TREATMENT OF STATES AND STATE INSTRUMENTALITIES, OFFICERS, AND EMPLOYEES.—Any State, and any instrumentality, officer, or employee described in subsection (a)(3), shall be subject to the provisions of this section in the same manner and to the same extent as any nongovernmental entity.

(l) DEFINITIONS.—In this section:

(1) COVERED ACTIVITY.—The term “covered activity” means any activity that the copyright owner of a sound recording would have the exclusive right to do or authorize under section 106 or 602, or that would violate section 1201 or 1202, if the sound recording were fixed on or after February 15, 1972.

(2) RIGHTS OWNER.—The term “rights owner” means—

(A) the person that has the exclusive right to reproduce a sound recording under the laws of any State, as of the day before the date of enactment of this section; or

(B) any person to which a right to enforce a violation of this section may be transferred, in whole or in part, after the date of enactment of this section, under—

- (i) subsections (d) and (e) of section 201; and
- (ii) section 204.

(Added Pub. L. 115–264, title II, § 202(a)(2), Oct. 11, 2018, 132 Stat. 3728.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of enactment of this section, referred to in subsecs. (a)(2)(B)(i), (c)(3), (5)(A), (d)(2)–(4)(A), (e)(1), (f)(1)(B), (5)(A)(ii), (B)(i), (ii), and (l)(2), is the date of enactment of Pub. L. 115–264, which was approved Oct. 11, 2018.

The year in which this section is enacted, referred to in subsec. (d)(2)(B), is the year in which Pub. L. 115–264 was enacted. Such Act was approved Oct. 11, 2018.

#### CHAPTER 15—COPYRIGHT SMALL CLAIMS

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#### § 1501. Definitions

In this chapter—

(1) the term “claimant” means the real party in interest that commences a proceeding before the Copyright Claims Board under section 1506(e), pursuant to a permissible claim of infringement brought under section 1504(c)(1), noninfringement brought under section 1504(c)(2), or misrepresentation brought under section 1504(c)(3);

(2) the term “counterclaimant” means a respondent in a proceeding before the Copyright Claims Board that—

(A) asserts a permissible counterclaim under section 1504(c)(4) against the claimant in the proceeding; and

(B) is the real party in interest with respect to the counterclaim described in subparagraph (A);

(3) the term “party”—

(A) means a party; and

(B) includes the attorney of a party, as applicable; and

(4) the term “respondent” means any person against whom a proceeding is brought before the Copyright Claims Board under section 1506(e), pursuant to a permissible claim of infringement brought under section 1504(c)(1), noninfringement brought under section 1504(c)(2), or misrepresentation brought under section 1504(c)(3).

(Added Pub. L. 116–260, div. Q, title II, § 212(b), Dec. 27, 2020, 134 Stat. 2177.)

#### Statutory Notes and Related Subsidiaries

##### SEVERABILITY

Pub. L. 116–260, div. Q, title II, § 212(f), Dec. 27, 2020, 134 Stat. 2200, provided that: “If any provision of this