

STATEMENT OF REP. JOHN CONYERS, JR.
Committee on the Judiciary
S. 167, the "Family Entertainment and Copyright Act of 2005"
March 9, 2005

I rise in support of this legislation with reservations about one part. At the outset, I strongly support efforts to make it more difficult to steal content and to encourage preservation of historic content.

As I have said before, the content industries are a boon to our economy, providing this country's number one export. Their products, which include music, movies, books, and software, survive on the protection given by copyright law. Without protection from rampant copying and other infringement, creators would have no reason to keep creating and investing in new content.

The success of copyrighted content, however, is also its Achilles' Heel. People now camcord movies in theaters to sell online or in DVD format. They obtain pre-release copies of content and sell it online. Of course, this is illegal because it is done without the permission of the content owners and without payment to them. This bill clarifies that these two acts are illegal even if technology makes it easy and fast and cheap. While I believe we should do more to stop piracy, S. 167 is a step in the right direction.

Having said that, I would like to clarify one issue. The civil enforcement side of the pre-release provision imposes a statute of limitations on certain copyright lawsuits. Because it imposes the limit only for infringements that occur *no more than* two months after pre-registered content is first distributed, it is clear that the bill *does not impose* any time limit on filing lawsuits for infringements that occur *more than* two months after distribution.

The bill also contains two provisions that will encourage the preservation of historically-significant content. First, it reauthorizes the National Film Preservation Board and National Film Preservation Foundation, which review initiatives to ensure the preservation of valued films and issue grants to libraries and other institutions that can save films from degradation. The Directors Guild of America and the Academy of

Motion Picture Arts and Sciences have applauded these efforts. The program expired in 2003, so S. 167 extends it until 2009.

The second preservation piece, the “Preservation of Orphan Works Act,” will empower libraries and archives to make additional copies of musical works, movies, and other content.

My one objection to S. 167, however, is with the “Family Movie Act,” which would allow private companies to sell movie editing software without permission from the filmmakers. This was proposed in response to a lawsuit between one company and filmmakers. From our consideration of this provision last year, we know this section will take away the copyrights and artistic rights of filmmakers to the financial benefit of one private company. It is important to note that the bill does not immunize those who make fixed copies of edited content; such copies would still be illegal, as they are today, and the legislative history should reflect that.

I urge my colleagues to vote “Aye” on this legislation.