
A BILL FOR AN ACT

RELATING TO COPYRIGHTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. In its 2014 decision of *Flo & Eddie, Inc. v.*
2 *Sirius XM Radio, Inc. et al.*, Case No. CV 13-5693 PSG (RZx)
3 (Sept. 22, 2014), the United States District Court for the
4 Central District of California recognized that the Copyright Act
5 of 1976 explicitly allows states to regulate rights and
6 interests arising from sound recordings fixed prior to
7 February 15, 1972. Furthermore, the court held that California
8 Civil Code, section 980(a)(2), recognizes a comprehensive
9 ownership interest in sound recordings fixed prior to
10 February 15, 1972, subject only to the narrow exception included
11 in that statute.

12 The purpose of this Act is to adopt language substantially
13 similar to the holding under *Flo & Eddie, Inc. v. Sirius XM*
14 *Radio, Inc. et al.* to protect an ownership interest in sound
15 recordings fixed prior to February 15, 1972.

16 SECTION 2. Chapter 482C, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:



1 "§482C- Sound recordings fixed prior to February 15,
2 1972. The author of an original work of authorship consisting
3 of a sound recording initially fixed prior to February 15, 1972,
4 has an exclusive ownership interest in the original work until
5 February 15, 2067, against all persons except a person who
6 independently makes or duplicates another sound recording that
7 does not directly or indirectly recapture the actual sounds
8 fixed in the original work, but consists entirely of an
9 independent fixation of other sounds, even though the sounds
10 imitate or simulate the sounds contained in the original work."

11 SECTION 3. Section 482C-5, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "~~§~~482C-5~~§~~ **Penalty.** Any person who violates this
14 chapter shall be guilty of a misdemeanor~~[-]~~ or pay a fine not to
15 exceed \$1,000, or both."

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on January 7, 2059.



Report Title:

Copyright; Sound Recordings

Description:

Protects sound recordings fixed prior to 02/15/1972 against unauthorized public performance. Establishes a fine not to exceed \$1,000 for a violation of chapter 482C, HRS. Effective 01/07/2059. (SD1)

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