

A Bill for an Act Relating to Unlawful Transfer of Sound Recordings.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
COPYRIGHTS IN SOUND RECORDINGS**

Sec. -1 Unlawful transfer of recorded sounds. It shall be unlawful for any individual, firm, partnership, corporation or association to transfer or cause to be transferred, without the consent of the person who owns the master phonograph record, master disc, master wire, master tape, master film or other device or article from which the sounds are derived, any sounds

recorded on a phonograph record, disc, wire, tape, film, or other article on which sounds are recorded, with intent to sell or cause to be sold, or use or cause to be used for profit through public performance the article onto which such sounds are recorded.

Sec. -2 Sale of unlawfully recorded sounds. It is unlawful to advertise, offer for sale, or sell any article onto which sounds have been transferred as described in section -1 with the knowledge that the sounds have been transferred without the consent of the owner.

Sec. -3 Sale or rental of recording equipment for unlawful use. It is unlawful for any person to offer or make available for a fee, rental, or any other form of compensation, directly or indirectly, any equipment or machinery with the knowledge that it will be used by another to reproduce, without the consent of the owner, any phonograph record, disc, wire, tape, film, or other article on which sounds have been transferred for the purpose of capitalizing commercially on such reproduction.

Sec. -4 Lawful uses; defined. This chapter shall not apply to any person who transfers or causes to be transferred any sounds intended for or in connection with radio or television broadcast transmission or related uses, for archival purposes, or solely for the personal use of the person transferring or causing the transfer and with no purpose of capitalizing commercially on such reproduction.

Sec. -5 Penalty. Any person who violates this chapter shall be guilty of a misdemeanor.

SECTION 2. This Act shall take effect upon its approval.

(Approved May 13, 1975.)