

# California Law on Internet Piracy

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A new California law on Internet piracy makes it a crime for anyone located in California to electronically distribute “commercial” works—specifically recordings or audiovisual works—to more than ten people without providing both the sender’s e-mail address and the title of the work.

## Effective Date

January 1, 2005

## Full Text

The full text of the law is available at

[http://www.leginfo.ca.gov/pub/bill/sen/sb\\_1501-1550/sb\\_1506\\_bill\\_20040921\\_chaptered.html](http://www.leginfo.ca.gov/pub/bill/sen/sb_1501-1550/sb_1506_bill_20040921_chaptered.html)

## Summary

It is unlawful to knowingly distribute a commercial recording or audiovisual work electronically to more than ten people without disclosing both the sender’s e-mail address and the title of the work. A “commercial” work is one whose copyright owner or other authorized representative intends to make or has made available for sale, rental, or for performance or exhibition under license.

- Anyone other than a minor who violates this law may be fined \$2,500 and/or imprisoned in a county jail for up to one year.
- A minor who violates this law may be fined \$250. A minor who violates the law three or more times may be fined \$1,000 and/or imprisoned in county jail for up to one year.
- When a conviction has been obtained, the court shall order the permanent deletion or destruction of the electronic files containing the works.

The law allows electronic distribution of commercial works in the following instances:

- By the copyright owner.
- When a person distributes works to his/her immediate family or to his/her personal restricted-access network within the immediate household.
- When the copyright owner, or a person acting under the authority of the copyright owner, has explicitly given permission for all or substantially all of the work to be freely disseminated electronically.
- By a person who is licensed by the copyright owner or someone acting under the authority of the copyright owner to electronically disseminate the work.
- By licensed electronic dissemination by cable television service over a cable system or direct to home satellite service.

## Implications for the UC Community

*Education about Respecting Copyright and Using Legal Services.* UC campuses should ensure that their campus communities, particularly students in residence halls, are informed about this new law. Individuals should be aware that if they are identified as distributing a

commercial work without providing both its title and their e-mail address, they could be subject to fine or even imprisonment.

Legal and inexpensive services for listening to and downloading music and movies have become more readily available. Campuses should make clear that students, staff, and faculty must respect copyrights and use legal services. Campuses that offer access to individual services should publicize the offerings widely.