**A BILL**

To amend title 17, United States Code, to implement provisions of the Beijing Treaty on Audiovisual Performances.

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Beijing Treaty Implementation Act of 2016”.

**SEC. 2. TREATY IMPLEMENTATION.**

1. DEFINITIONS.—Section 101 of title 17, United States Code, is amended—
2. in the definition of “international agreement”—
3. by striking “and” at the end of item (6);
4. by redesignating item (7) as item (8); and
5. by inserting after item (6) the following:

“(7) the Beijing Treaty on Audiovisual Performances; and”; and

(2) by inserting after the definition of “Audiovisual works” the following:

“The “Beijing Treaty on Audiovisual Performances” is the Beijing Treaty on Audiovisual Performances done at Beijing, China, on June 24, 2012.”.

1. EFFECT OF BEIJING TREATY ON AUDIOVISUAL PERFORMANCES.—Section 104 of title 17, United States Code, is amended by adding at the end the following new subsection:

“(e) EFFECT OF BEIJING TREATY ON AUDIOVISUAL

PERFORMANCES.—Notwithstanding the provisions of subsection (b), no works other than motion pictures shall be eligible for protection under this title solely by virtue of the adherence of the United States to the Beijing Treaty on Audiovisual Performances.”.

1. COPYRIGHT IN RESTORED WORKS.—Subsection 104A(h) of title 17, United States Code, is amended—
2. in paragraph (1)—
3. by striking “or” in subparagraph (D);
4. by redesignating subparagraph (E) as subparagraph (F); and
5. by adding after subparagraph (D) the following:

“(E) a nation adhering to the Beijing Treaty on Audiovisual Performances; or”;

1. in paragraph (3)—
2. by striking “or” in subparagraph (D);
3. by redesignating subparagraph (E) as (F); and
4. by adding after subparagraph (D) the following:

“(E) adheres to the Beijing Treaty on Audiovisual Performances; or”; and

1. in paragraph (6)—
2. by striking “and” at the end of subparagraph (D);
3. by inserting “and” at the end of subparagraph (E); and
4. by adding at the end the following new subparagraph:

“(F) if the source country for the work is an eligible country solely by virtue of its adherence to the Beijing Treaty on Audiovisual Performances, is a motion picture.”.

(d) UNAUTHORIZED FIXATION AND TRAFFICKING.—The chapter heading for chapter 11 of title 17, United States Code, and the section head for section 1101 are amended by striking “Music” and “music”.

**(**e) UNAUTHORIZED ACTS, LIMITATIONS, DURATION OF PROTECTION.— Section 1101 of title 17, United States Code, is amended—

(1) in paragraph (a)(1)—

(A) by inserting “, images,” after “the sounds”;

(B) by striking “musical” after “live”; and

(C) by inserting “of a literary, musical, dramatic, choreographic or pantomime work” before “in a copy”; (2) in paragraph (a)(2)—

(A) by inserting “, images,” after “the sounds”;

(B) by striking “musical” after “live”; and

(C) by inserting “of a literary, musical, dramatic, choreographic or pantomime work” after “performance”;

(3) by redesignating subsection (b) as (d), subsection (c) as (e) and subsection (d) as (f);

(4) by inserting new subsections (b) and (c) as follows:

“(b) Limitations.--An act that falls within the limitations to exclusive rights provided in Section 107 or 108 shall not be considered a violation of this Section.

(c) Duration of Protection.--It shall not be a violation of this Section to do any of the acts enumerated herein more than 95 years after the live performance described in paragraph (1) or (2).”;

(5) by amending redesignated subsection (d) to read as follows:

“(d) Definitions.—In this section—

(1) the term “images” means a series of related images which, when shown in succession, impart an impression of motion; and

(2) the term “traffic” has the same meaning as in section 2320(f)(5) of title 18.”; and

(6) by amending redesignated subsection (e) to read as follows:

“(e) Applicability.—With respect to live musical performances, this section shall apply to any act or acts that occur on or after the date of the enactment of the Uruguay Round Agreements Act. With respect to other live performances, this section shall apply to any act or acts that occur on or after the date the provisions of the Beijing Treaty Implementation Act of 2016 take effect.”.

**SEC. 3. EFFECTIVE DATE.**

The provisions of Section 2 of this Act shall take effect on the date on which the Beijing Treaty enters into force with respect to the United States.