

CHAPTER 2.**UNAUTHORIZED COPIES OF RECORDED MATERIALS****ARRANGEMENT OF SECTIONS****Section****§201.** Short Title.**§202.** Interpretation.**§203.** Sound Recordings and Audiovisual Works.**§204.** Exceptions.**§205.** Penalty.

An Act to protect sound recordings and audiovisual works from being copied without authorization.

Commencement: September 30, 1991

Source: P.L. 1991-132

§201. Short Title.

This Chapter may be cited as the “Unauthorized Copies of Recorded Materials Act, 1991. [P.L. 1991-132, §1.]

§202. Interpretation.

As used in this Chapter,

(1) “Audio-visual work” is a work that consist of a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the works are embodied.

(2) “Person” includes a natural person, corporation, partnership, joint venture, unincorporated association, or other entity.

(3) “Phono-record” is a material object in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term “phonorecord” includes the material object in which the sounds are first fixed.

(4) “Sound recording” is a work that result from the fixation of a series of musical, spoken, or other sounds, but not including the sounds accompanying a motion picture or other audiovisual work, regardless of the nature of the material objects, such as disks, tapes, or other phonorecords, in which they are embodied. [P.L. 1991-132, §2.]

§203. Sound Recordings and Audiovisual Works.

Unless otherwise exempt under Section 204 of this Chapter, it shall be unlawful for any individual, firm, partnership, corporation or association:

(1) to transfer or cause to be transferred any sound recordings or audiovisual works on a phono-record, disc, wire, tape, film, or other article on which sounds and/or audiovisual images are recorded, with the 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 and/or audiovisual images are recorded, without the consent of the person who owns the master phono-record, master disc, master wire, master tape, master film or other device or article from which the sounds and/or audiovisual images are derived;

(2) to advertise, offer for sale, or sell any article onto which sound recordings or audiovisual works have been transferred as described in Subsection (1) of this Section with the knowledge that the sound recordings or audiovisual works have been transferred without the consent of the owner; or

(3) 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 phonorecord, disc, wire, tape, film, or other article on which sound recordings or audiovisual works have been transferred as described in Subsection (1) of this Section for the purpose of capitalizing commercially on such reproductions. [P.L. 1991-132, §3.]

§204. Exceptions.

(1) This Chapter shall not apply to the following:

(a) any sound recording or audiovisual work in which the person who owns the master phonorecord, master disc, master wire, master tape, master film or other device or article from which the sounds and/or audiovisual images are derived is not a citizen of the Republic;

(b) any sound recording or audiovisual work in which the master phonorecord, masters disc, master wire, master tape, master film or other device or article from which the sounds and/or audiovisual images are derived was not created, originated, produced or otherwise recorded in the Republic;

(c) any person who transfers or causes to be transferred any sound recordings or audiovisual works intended for or in connection with a radio or television broadcast transmission that is available to the public without charge, or for historic, cultural or archival preservation or related purposes; or

(d) solely for the personal use of the person transferring or causing the transfer of sound recordings or audiovisual works and with no intent to capitalize commercially on such reproduction.

(2) In the event that the Government of the Republic of the Marshall Islands ratifies or otherwise approves any international copyright convention or other international treaty concerning the subject matter of this Chapter, Paragraphs (a) and (b) of Subsection (1) shall be deemed to be ineffective as of the date of such ratification or approval. [P.L. 1991-132, §4.]

§205. Penalty.

Each sale or transfer of a sound recording or audiovisual work for consideration in violation

of the provisions of this Chapter shall constitute a separate violation which shall be punishable, upon conviction, by a fine of not more than \$100 for the first offense and not more than \$200 for each subsequent offense. [P.L. 1991-132, §5.]

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