

## Appendix E

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### The Intellectual Property Protection and Courts Amendments Act of 2004<sup>1</sup>

#### *Section 1 · Short Title.*

This Act may be cited as the “Intellectual Property Protection and Courts Amendments Act of 2004”.

#### **Title I – Anti-counterfeiting Provisions**

##### *Sec. 101 · Short Title.*

This title may be cited as the “Anti-counterfeiting Amendments Act of 2004”.

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##### *Sec. 103 · Other Rights Not Affected.*

(a) CHAPTERS 5 AND 12 OF TITLE 17; ELECTRONIC TRANSMISSIONS. — The amendments made by this title —

(1) shall not enlarge, diminish, or otherwise affect any liability or limitations on liability under sections 512, 1201 or 1202 of title 17, United States Code; and

(2) shall not be construed to apply —

(A) in any case, to the electronic transmission of a genuine certificate, licensing document, registration card, similar labeling component, or documentation or packaging described in paragraph (4) or (5) of section 2318(b) of title 18, United States Code, as amended by this title; and

(B) in the case of a civil action under section 2318(f) of title 18, United States Code, to the electronic transmission of a counterfeit label or counterfeit documentation or packaging defined in paragraph (1) or (6) of section 2318(b) of title 18, United States Code.

(b) FAIR USE. — The amendments made by this title shall not affect the fair use, under section 107 of title 17, United States Code, of a genuine certificate, licensing document, registration card, similar labeling component, or documentation or packaging described in paragraph (4) or (5) of section 2318(b) of title 18, United States Code, as amended by this title.

## **Title II – Fraudulent Online Identity Sanctions**

### **Sec. 201 · Short Title.**

This title may be cited as the “Fraudulent Online Identity Sanctions Act”.

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### **Sec. 205 · Construction.**

(a) **FREE SPEECH AND PRESS.**—Nothing in this title shall enlarge or diminish any rights of free speech or of the press for activities related to the registration or use of domain names.

(b) **DISCRETION OF COURTS IN DETERMINING RELIEF.**—Nothing in this title shall restrict the discretion of a court in determining damages or other relief to be assessed against a person found liable for the infringement of intellectual property rights.

(c) **DISCRETION OF COURTS IN DETERMINING TERMS OF IMPRISONMENT.**—Nothing in this title shall be construed to limit the discretion of a court to determine the appropriate term of imprisonment for an offense under applicable law.

## **Appendix E · Notes**

1. This appendix contains provisions from the Intellectual Property Protection and Courts Amendments Act of 2004, Pub. L. No. 108-482, 118 Stat. 3912, that do not amend Title 17 of the *United States Code*.