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(Original Signature of Member)

113TH CONGRESS
2D SESSION

H. R. _____

To amend title 17, United States Code, to provide that the first sale doctrine applies to any computer program that enables a machine or other product to operate.

IN THE HOUSE OF REPRESENTATIVES

Mr. FARENTHOLD introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 17, United States Code, to provide that the first sale doctrine applies to any computer program that enables a machine or other product to operate.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “You Own Devices Act”.

1 **SEC. 2. FIRST SALE DOCTRINE AND CERTAIN COMPUTER**
2 **PROGRAMS.**

3 (a) IN GENERAL.—Section 109 of title 17, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(f) TRANSFER OF CERTAIN COMPUTER PRO-
7 GRAMS.—

8 “(1) IN GENERAL.—Notwithstanding section
9 106 or section 117, if a computer program enables
10 any part of a machine or other product to operate,
11 the owner of the machine or other product is entitled
12 to transfer an authorized copy of the computer pro-
13 gram, or the right to obtain such copy, when the
14 owner sells, leases, or otherwise transfers the ma-
15 chine or other product to another person. The right
16 to transfer provided under this subsection may not
17 be waived by any agreement.

18 “(2) SECURITY AND ERROR CORRECTION.—Any
19 right to receive modifications to the computer pro-
20 gram described in paragraph (1) relating in whole or
21 in part to security or error correction that applied
22 to the owner of the machine or other product de-
23 scribed in paragraph (1) shall apply to the person to
24 whom the machine or product and the copy of the
25 computer program are transferred.

1 “(3) TREATMENT OF UNAUTHORIZED COP-
2 IES.—Nothing in this subsection should be construed
3 as permitting the owner of a machine or other prod-
4 uct to retain an unauthorized copy of the computer
5 program described in paragraph (1) after transfer-
6 ring the machine or other product and the copy of
7 the computer program to another person.”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) shall take effect on the date of the enact-
10 ment of this Act and shall apply to transfers of computer
11 programs occurring on or after such date.