

IEEE-USA RECOMMENDATIONS

FOR

THE COLLECTIONS OF INFORMATION ANTIPIRACY ACT (H.R. 2652)

CHAPTER 12--MISAPPROPRIATION OF COLLECTIONS OF INFORMATION

Sec.

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Sec. 1201. Prohibition against misappropriation

Any person who ~~extracts, or uses in commerce, all~~
or a substantial part of a collection of information gath-
ered, organized, ~~or~~ maintained by another person through
the investment of substantial monetary or other resources,
so as to harm that other person's actual or potential mar-
ket for a product or service that incorporates that collec-
tion of information and is offered by that other person
in commerce, shall be liable to that person for the reme-

sells or
distributes

(Proprietor)
directly or
indirectly
including by
assignment

without a
transformative
use, which
collection is
lawfully

within three
years ("Term")
from the date of
its first offering
by a Proprietor

, other than data
collections by
the government
of the United
States or the
states thereof.

dies set forth in section 1206.

Sec. 1202. Permitted acts

(a) INDIVIDUAL ITEMS OF INFORMATION AND

OTHER INSUBSTANTIAL PARTS- Nothing in this chapter

shall prevent the ~~extraction or use of an individual item~~

of information, or other insubstantial part of a collection

of information, in itself.

unauthorized
sale or
distribution

(b) GATHERING OR USE OF INFORMATION OB-

TAINED THROUGH OTHER MEANS- Nothing in this

chapter shall restrict any person from Independently gath-

ering information or ~~using information obtained by means~~

other than ~~extracting it from a collection of information~~

~~gathered, organized, or maintained by another person~~

~~through the investment of substantial monetary or other~~

~~resources.~~

selling or
distributing

obtaining

a Proprietor
during the Term

(c) USE OF INFORMATION FOR VERIFICATION-

Nothing in this chapter shall restrict any person from ex-

tracting information, or from using information ~~within~~

~~any entity or organization, for the sole purpose of verifying~~

~~the accuracy of information independently gathered, organized,~~

~~or maintained by that person.~~

~~(d) NOT FOR PROFIT EDUCATIONAL, SCIENTIFIC,~~

~~OR RESEARCH USES- Nothing in this chapter shall re-~~

~~strict any person from extracting or using information for~~

~~not for profit educational, scientific, or research purposes
in a manner that does not harm the actual or potential
market for the product or service referred to in section
1201.~~

~~—(e) NEWS REPORTING— Nothing in this chapter
shall restrict any person from extracting or using informa-
tion for the sole purpose of news reporting.~~

Sec. 1203. Exclusions

(a) GOVERNMENT COLLECTIONS OF INFORMA-
TION- Protection under this Chapter shall not extend to
a governmental entity, whether Federal, State, or local,
including any employee or agent of such an entity, or any
person ~~exclusively~~ licensed by such an entity, with respect
to collections of information gathered, organized, or main-
tained within the scope of such employment, agency, or
license.

(b) COMPUTER PROGRAMS- Protection under this
chapter shall not extend to computer programs, including
without limitation any ¹⁾ computer program used in the
manufacture, production, operation, or maintenance of a
collection of information. The preceding sentence shall not
apply to a collection of information directly or indirectly
incorporated in a computer program.

or 2) any
information
related to the
operation of a
computer
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