AN ACT

To enact Chapter 62 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3221 through 3227, relative to deceptive and unfair trade practices; to provide for electronic dissemination of third-party commercial recordings or audiovisual works; to require disclosures; to provide for a private right of action; to provide for injunctive relief and orders to compel compliance; to provide that violations constitute a deceptive and unfair trade practice; to provide for definitions, terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 62 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:3221 through 3227, is hereby enacted to read as follows:

CHAPTER 62. ELECTRONIC DISSEMINATION OF COMMERCIAL RECORDINGS OR AUDIO VISUAL WORKS

§3221. Short title

This Chapter shall be known and may be cited as the "Louisiana True Origin of Digital Goods Act".

§3222. Definitions

As used in this Chapter:

(1) "Commercial recording or audiovisual work" means a recording or audiovisual work whose owner, assignee, authorized agent, or licensee has disseminated or intends to disseminate for sale, rental, performance, or exhibition to the public, including under license, but does not include an excerpt consisting of less than substantially all of a recording or audiovisual work. A recording or audiovisual work may be commercial regardless of whether a person who electronically disseminates it seeks commercial advantage or
private financial gain from the dissemination.

(2) "Electronic dissemination" means initiating a transmission of, making available, or otherwise offering a commercial recording or audiovisual work for distribution, display, or performance through the internet or other digital network, regardless of whether another person has previously electronically disseminated the same commercial recording or audiovisual work.

(3) "Website" means a set of related webpages served from a single web domain. The term does not include a home page or channel page for the user account of a person who is not the owner or operator of the website upon which such user home page or channel page appears.

§3223. Required disclosures on website and online services; location

A. A person who owns or operates a website or online service dealing in substantial part in the electronic dissemination of third-party commercial recordings or audiovisual works, directly or indirectly, and who electronically disseminates such works to consumers in this state shall clearly and conspicuously disclose his name, physical address, telephone number, and electronic mail address on his website or online service in a location readily accessible to a consumer using or visiting the website or online service.

B. For the purposes of this Section, any of the following locations are considered readily accessible:

(1) A landing or home webpage or screen.
(2) An "about" or "about us" webpage or screen.
(3) A "contact" or "contact us" webpage or screen.
(4) An information webpage or screen.
(5) Any place on the website or online service commonly used to display information identifying the owner or operator of the website or online service to consumers.

§3224. Actions for injunctive relief; orders to compel compliance

A. An owner, assignee, authorized agent, or exclusive licensee of a
commercial recording or audiovisual work electronically disseminated by the
website or online service in violation of this Chapter may bring a proceeding
against a person who violates or threatens to violate the provisions of this
Chapter to obtain the following:

(1) A declaratory judgment that an act or practice violates this Chapter.

(2) Permanent or temporary injunctive relief.

B. Before filing an action under this Section, the aggrieved party shall
make reasonable efforts to provide notice to the person alleged to be in violation
of the provisions of this Chapter and the notice shall be in writing and shall
state the following:

(1) The person may be in violation of the provisions of this Chapter.

(2) A failure to cure the violation within fourteen days may result in an
action being filed against the person pursuant to this Chapter.

C. After the fourteenth day of properly providing notice in accordance
with Subsection B of this Section, if the person continues to violate the
provisions of this Chapter, the aggrieved party may bring an action pursuant
to this Section in a court of competent jurisdiction.

D. On motion of the party initiating the cause of action, the court may
make appropriate orders to compel compliance with this Chapter.

§3225. Supplemental provisions

This Chapter is supplemental to those provisions of state and federal
criminal and civil law which impose prohibitions or provide penalties, sanctions,
or remedies against the same conduct prohibited by this Chapter. This Chapter
shall not bar any cause of action or preclude the imposition of sanctions or
penalties that would otherwise be available under state or federal law.

§3226. No financial liability for certain providers

The provisions of this Chapter shall not impose financial liability on
providers of an interactive computer service, communications service,
commercial mobile service, or information service, including an internet access
service provider, an advertising network or exchange, a domain name
registration provider, or a hosting service provider, to the extent that the

providers provide the transmission, storage, or caching of electronic

communications or messages of others or provide another related

telecommunications service, a commercial mobile radio service, or an

information service for use by another person that violates this Chapter.

§3227. Violations; unfair or deceptive acts or practices; remedies

A violation of this Chapter shall be a deceptive and unfair trade practice

and shall subject the violator to any of the actions, including public and private

actions, remedies, and penalties provided in the Unfair Trade Practices and

Consumer Protection Law, R.S. 51:1401 et seq.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____________