

DIGEST

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SB 305 Reengrossed

2022 Regular Session

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Proposed law creates the " Louisiana True Origin of Digital Goods Act".

Proposed law defines the following:

- (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 that recording or audiovisual work 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 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.

Proposed law provides that a person who owns or operates a website or online service that deals with electronic dissemination commercial recordings or audiovisual works, directly or indirectly, to consumers in this state shall clearly disclose his name, address, telephone number, and email on his website in a location readily accessible to the consumer.

Proposed law provides that an owner, assignee, authorized agent, or exclusive licensee of a commercial recording or audiovisual work may bring a private action against a person who violates proposed law.

Proposed law provides for the procedures the aggrieved party must take to file a cause of action.

Proposed law provides that proposed law is supplemental to state and federal law and does not bar any cause of action or preclude the imposition of sanctions or penalties that would otherwise be available under state or federal law.

Proposed law provides that financial liabilities will not be imposed on certain providers in violation of proposed law.

Proposed law provides that any violation of proposed law is subject to actions, including public or private actions, remedies, and penalties provided for in the Unfair Trade Practices and Consumer Protection Law.

Effective August 1, 2022.

(Adds R.S. 51:3221-3227)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Makes technical changes.
2. Authorizes an exclusive licensee to bring a private cause of action against a person who violates the La. True Origins of Digital Goods Act.
3. Provides that a violator of the La. True Origins of Digital Goods Act be subject to actions, including public and private actions, and remedies as provided in the Unfair Trade Practices Law.

Senate Floor Amendments to engrossed bill

1. Technical amendment.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the reengrossed bill:

1. Make technical changes.
2. Remove provision authorizing recovery of necessary expenses and reasonable attorney fees.