

CHAPTER 300, Laws of 1975

AN ACT to create 943.207 of the statutes, relating to the unauthorized reproduction of recorded sounds and related offenses, and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

943.207 of the statutes is created to read:

943.207 Transfer of recorded sounds for unlawful use; sale. (1) Whoever does any of the following may be penalized as provided in sub. (3):

(a) Knowingly and wilfully transfers or causes to be transferred, without the consent of the owner, any sounds recorded on a phonograph record, disc, wire, tape, film or other article on which sounds are recorded, with intent to sell or cause to be sold, the article onto which such sounds are transferred.

(b) Advertises, offers for sale or sells any article onto which sounds have been transferred as described in par. (a), with the knowledge that the sounds thereon have been so transferred without the consent of the owner.

(2) In this section "owner" means the person who owns the original fixation of sounds embodied in the master phonograph record, master disc, master tape, master film or other device used for reproducing recorded sounds on phonograph records, discs, tapes, films or other articles on which sound is recorded, and from which the transferred recorded sounds are directly or indirectly derived.

(3) (a) Any person violating sub. (1) (a) may be fined not more than \$2,000 or imprisoned not more than 6 months or both for the first offense, and may be fined not more than \$8,000 or imprisoned not more than 9 months or both for any subsequent offense.

(b) Any person violating sub. (1) (b) may be fined not more than \$1,000 or imprisoned not more than 6 months or both.

(c) Each unlawful transfer under sub. (1) (a) and each unlawful advertisement, offer or sale under sub. (1) (b) constitutes a separate offense.

(4) This section does not apply to:

(a) The transfer by a cable television operator or radio or television broadcaster of any recorded sounds, other than from the sound track of a motion picture, intended for, or in connection with, broadcast or other transmission or related uses, or for archival purposes.

(b) The transfer of any video tape or nonvideo audio tape intended for possible use in a civil or criminal action or special proceeding in a court of record.