

ONLY APPLY TO SOUND RECORDINGS INITIALLY FIXED PRIOR TO FEBRUARY 15, 1972; or

(2) Transfer to or cause to be transferred to any phonograph record, disc, wire, tape, film, VIDEOCASSETTE, or other article ON WHICH SOUNDS OR IMAGES ARE RECORDED OR OTHERWISE STORED, any performance whether live before an audience or transmitted by wire or through the air by radio or television with the intent to sell or cause to be sold for profit or used to promote the sale of any product, without the consent of the performer; or

(3) Sell, RENT, distribute, circulate, offer for sale, RENTAL, distribution, or circulation, possess for the purpose of sale, RENTAL, distribution, or circulation, or cause to be sold, RENTED, distributed, or circulated, offered for sale, RENTAL, distribution or circulation, or possessed for sale, RENTAL, distribution or circulation any recorded article or device on which sounds have been transferred without the consent of the owner as defined in (a)(1), or any recorded article or device embodying a performance as described in (a)(2) without the consent of the performer.

(b) It is unlawful for any person, firm, partnership, corporation or association knowingly to sell, RENT, distribute, circulate, offer for sale, RENTAL, distribution, or circulation, or possess for the purpose of sale, RENTAL, distribution, or circulation, any phonograph record, disc, wire, tape, film, VIDEOCASSETTE or other article on which sounds OR IMAGES have been transferred OR STORED unless the phonograph, record, disc, wire, tape, film, VIDEOCASSETTE, or other article bears the actual name and street address of the transferor of the sounds OR IMAGES and the name of the actual performer or group in a prominent place on its outside face or package.

(c) This section does not apply to:

(1) Any radio or television broadcaster or cable radio or television operator who transfers sounds OR IMAGES as part of or in connection with a radio or television transmission or for archival preservation;

(2) Any person transferring sounds OR IMAGES in the home for [his] THE PERSON'S personal use without any compensation or other consideration being derived by the person, or any other person, from the transfer.

(d) Each and every individual violation of this section is punishable, upon conviction, by a fine of not more than \$2,500 for the first offense and not more than \$10,000 for a subsequent offense, or by imprisonment for not more than 1 year for a first offense, or more than 3 years for a subsequent offense, or by both fine and imprisonment.

(e) Any article produced in violation of this section and any equipment, or components used in the production thereof, shall be subject to forfeiture and destruction by the appropriate law enforcement agency.

(F) THIS SECTION SHALL NEITHER ENLARGE NOR DIMINISH THE RIGHTS OF PARTIES IN PRIVATE LITIGATION.