

(1) USE OR ATTEMPT TO USE AN UNFAIR OR DECEPTIVE ACT OR PRACTICE IN DEALING OR NEGOTIATING WITH A PROPRIETOR OR THE EMPLOYEE OF A PROPRIETOR; OR

~~(H) CHARGING OR COLLECTING.~~

(2) CHARGE OR COLLECT A ROYALTY WHICH IS UNREASONABLE IN COMPARISON TO THE ROYALTIES FOR SIMILAR LICENSES IN THE SAME AREA.

11-1404.

(A) THIS SUBTITLE APPLIES ONLY TO PERFORMING RIGHTS SOCIETIES.

(B) THIS SUBTITLE DOES NOT APPLY TO:

(1) COPYRIGHT OWNERS OF MOTION PICTURES OR OTHER AUDIOVISUAL WORKS DISTRIBUTED ON ANY MEDIUM;

(2) A CONTRACT BETWEEN A PERFORMING RIGHTS SOCIETY AND A BROADCASTER LICENSED BY THE FEDERAL COMMUNICATIONS COMMISSION;

(3) A CONTRACT BETWEEN A PERFORMING RIGHTS SOCIETY AND A CABLE OPERATOR OR PROGRAMMER; OR

~~(3)~~ (4) ANY CONDUCT UNDERTAKEN FOR THE PURPOSE OF ENFORCING ARTICLE 27, § 467A(B) OF THE CODE.

11-1404 11-1405.

~~(A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS SUBJECT TO A PENALTY OF NOT LESS THAN \$500 OR MORE THAN \$7,500 FOR A FIRST OFFENSE AND NOT LESS THAN \$1,000 OR MORE THAN \$10,000 FOR EACH SUBSEQUENT OFFENSE. THE PENALTY SHALL BE COLLECTED AND ENFORCED IN THE NAME OF THE STATE BY THE ATTORNEY GENERAL IN A COURT OF COMPETENT JURISDICTION.~~

~~(B) A PROPRIETOR MAY BRING AN ACTION OR ASSERT A COUNTERCLAIM IN A COURT OF COMPETENT JURISDICTION AGAINST A COPYRIGHT OWNER OR PERFORMING RIGHTS SOCIETY OR BOTH TO ENJOIN ANY VIOLATION OF THIS SUBTITLE AND TO RECOVER ANY DAMAGES SUSTAINED BY THE PROPRIETOR AS A RESULT OF THE VIOLATION. THE PROPRIETOR MAY PETITION THE COURT TO TERMINATE A CONTRACT WHICH VIOLATES THE PROVISIONS OF THIS SUBTITLE, AND THE COURT, IN ITS DISCRETION, MAY VOID THE CONTRACT. IF SUCCESSFUL, THE PROPRIETOR SHALL BE ENTITLED TO RECOVER THREE TIMES THE AMOUNT OF ACTUAL DAMAGES SUSTAINED BY THE PROPRIETOR, TOGETHER WITH REASONABLE ATTORNEY'S FEES, FILING FEES, AND REASONABLE COURT COSTS, IN ADDITION TO ANY OTHER APPROPRIATE RELIEF.~~

(A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS LIABLE TO THE PERSON AFFECTED BY THE VIOLATION FOR ACTUAL DAMAGES CAUSED BY THE VIOLATION AND FOR REASONABLE ATTORNEY'S FEES.

(B) IN ADDITION TO THE REMEDIES PROVIDED UNDER SUBSECTION (A) OF THIS SECTION, A PERSON AFFECTED BY A VIOLATION OF THIS SUBTITLE MAY: