SENATE BILL NO. 2417

AN ACT PROHIBITING THE PRINTING, PUBLISHING OR SELLING OF COPYRIGHTED MUSICAL COMPOSITION WITHOUT THE CONSENT OF THE OWNER; TO PROVIDE FOR THE RESERVATION OF OWNERSHIP OF PHYSICAL WORKS OF ART UPON CONVEYANCE OF OTHER OWNERSHIP RIGHTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Whoever prints, publishes, sells, distributes or circulates, or causes to be printed, published, sold, distributed or circulated for profit any circular, pamphlet, card, handbill, advertisement, printed paper, book, newspaper or other document containing the words or musical score of any musical composition which or any part of which is copyrighted under the laws of the United States, without first having obtained the consent of the owner or proprietor of such copyrighted musical composition, is guilty of a misdemeanor. Any person who shall be convicted of a violation of this section shall be fined not more than One Thousand Dollars ($1,000.00) or imprisoned in the county jail not more than six (6) months, or shall suffer both such fine and imprisonment.

SECTION 2. (1) For the purpose of this section:

(a) The term "artist" means the creator of a work of art.

(b) The term "work of art" means any work of visual or graphic art of any media, including, but not limited to, a painting, print, drawing, sculpture, craft, photograph or film.

(2) Whenever an exclusive or nonexclusive conveyance of any right to reproduce, prepare derivative works based on, distribute copies of, publicly perform or publicly display a work of art is
made by or on behalf of the artist who created it or the owner at
the time of the conveyance, ownership of the physical work of art
shall remain with and be reserved to the artist or owner, as the
case may be, unless such right of ownership is expressly
transferred by an instrument, note, memorandum or other writing,
signed by the artist, the owner or their duly authorized agent.

(3) Whenever an exclusive or nonexclusive conveyance of any
right to reproduce, prepare derivative works based on, distribute
copies of, publicly perform or publicly display a work of art is
made by or on behalf of the artist who created it or the owner at
the time of the conveyance, any ambiguity with respect to the
nature or extent of the rights conveyed shall be resolved in favor
of the reservation of rights by the artist or owner, unless in any
given case the federal copyright law provides to the contrary.

SECTION 3. This act shall take effect and be in force from
and after July 1, 2002.