

By: Senator(s) Smith

To: Judiciary

SENATE BILL NO. 2774

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

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

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

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

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

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

26 (2) Whenever an exclusive or nonexclusive conveyance of any  
27 right to reproduce, prepare derivative works based on, distribute  
28 copies of, publicly perform or publicly display a work of art is



29 made by or on behalf of the artist who created it or the owner at  
30 the time of the conveyance, ownership of the physical work of art  
31 shall remain with and be reserved to the artist or owner, as the  
32 case may be, unless such right of ownership is expressly  
33 transferred by an instrument, note, memorandum or other writing,  
34 signed by the artist, the owner or their duly authorized agent.

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

43 **SECTION 3.** This act shall take effect and be in force from  
44 and after July 1, 2003.

