S T A T E O F N E W Y O R K

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I N A S S E M B L Y

March 31, 2011

Introduced by M. of A. GALEF, LAVINE, LATIMER, PAULIN, DESTITO, LUPARDO, JAFFEE, KAVANAGH, FINCH -- Multi-Sponsored by -- M. of A. COOK, MAYERSOHN, McENENY, ROBINSON, ROSENTHAL -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to the ability of government agencies in New York to claim copyright protection

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 89 of the public officers law is amended by adding a new subdivision 10 to read as follows:

10. ANY COPYRIGHT IN A RECORD PREPARED BY AN AGENCY THAT IS REQUIRED TO BE DISCLOSED PURSUANT TO THE PROVISIONS OF THIS ARTICLE IS WAIVED, EXCEPT WHERE THE RECORD REFLECTS ARTISTIC CREATION, SCIENTIFIC OR ACADEMIC RESEARCH, OR IF THE AGENCY INTENDS TO DISTRIBUTE THE RECORD OR A DERIVATIVE WORK BASED ON IT TO THE PUBLIC BY SALE OR OTHER TRANSFER OF OWNERSHIP, OR BY RENTAL, LEASE, OR LICENSE. IF ANY OF THE FOREGOING EXCEPTIONS APPLY, THE ENTITY FROM WHICH THE RECORD IS SOUGHT MAY IN ITS DISCRETION ELECT TO WAIVE ANY SUCH COPYRIGHT.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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