

HB 711 -- PUBLIC DOMAIN PRESERVATION ACT

SPONSOR: Lovasco

This bill establishes the "Public Domain Preservation Act", which provides that if produced as part of a person's official duties, federal copyright or patent protection shall not be asserted for judicial opinions; administrative rulings; legislative enactments; public ordinances; or any other material produced by an officer, employee, director, board member, or agent of the state of Missouri, any state department, political subdivision, or special district of this state.

Federal copyright or patent protection cannot be asserted for any research, discovery, or invention that was discovered, documented, or published by an employee of any public school or state institution of higher education during the employee's term of employment and on premises owned or controlled by the state of Missouri or any of its political subdivisions.

If the state or any of its political subdivisions enact a statute, ordinance, or administrative rule that incorporates by reference any third-party standard or code otherwise subject to copyright protection, the state or political subdivision responsible for the statute, ordinance, or administrative rule must provide, free of charge in a digital or physical format, the third-party standard or code incorporated by reference. The state or political subdivision must pay all costs associated with providing the third-party standard or code, except that the entity may declare that the provisions of the standard or code incorporated by reference will be repealed and not enforced until such repeal is achieved.

Except for the provisions regarding research, discovery, or inventions that were discovered, documented, or published by an employee of any public school or state, these provisions shall apply retroactively.

These provisions will not preclude the state or any political subdivision from receiving and holding copyrights or patents transferred by assignment, bequest, or otherwise.