

367.634 Cause of action -- Notice.

- (1) An owner, assignee, authorized agent, or exclusive licensee of a commercial recording or audiovisual work electronically disseminated by a Web site or online service in violation of KRS 367.632 may bring a private cause of action to obtain a declaratory judgment that an act or practice violates KRS 367.632 and obtain an injunction against any person who knowingly has violated, is violating, or is otherwise likely to violate that section. As a condition precedent to filing a civil action under KRS 367.630 to 367.638, the aggrieved party must make reasonable efforts to place an individual alleged to be in violation of KRS 367.632 on notice of the alleged violation and that failure to cure within fourteen (14) business days may result in a civil action filed in a court of competent jurisdiction.
- (2) Upon motion of the party instituting the action, the court may make appropriate orders to compel compliance with KRS 367.632.
- (3) The prevailing party in a cause under subsection (1) of this section is entitled to recover necessary expenses and reasonable attorney's fees.

Effective: July 14, 2022

History: Created 2022 Ky. Acts ch. 52, sec. 3, effective July 14, 2022.

Legislative Research Commission Note (7/14/2022). 2022 Ky. Acts ch. 52, sec. 9, provides that the Act, which created KRS 367.630 to 367.638 and 365.780 to 365.784, may be cited as the Kentucky True Origin of Digital Goods and Truth in Musical Advertising Act.