

InterDragnet

**By Reg P. Wydeven
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One of my favorite actors is Sylvester Stallone. In 1995 Sly starred in 'Judge Dredd', a film based on the British comic book hero. The story takes place in futuristic Mega City, where law and order are maintained by street judges. Stallone portrays the title character, Judge Joseph Dredd, who uses his super-powerful "lawgiver" gun to keep residents of Mega City in line.

The unique thing about street judges is that they serve as Mega City's judge, jury and executioner: if they feel it is warranted, street judges are authorized to execute criminals on the spot. Judge Dredd is framed by a former street judge seeking revenge by making it look as though he committed unjustified murder. Of course, Dredd is innocent, but the frame-job calls into question the potential for corruption with omnipotent street judges.

Many U.S. residents now fear that their internet service providers may become street judges of the World Wide Web.

France recently passed a law that can "ban" someone from the Internet for illegally downloading copyrighted music. Great Britain, with the support of the queen, has proposed similar legislation. The United States, along with several European countries, are purportedly considering adopting similar laws.

As I indicated in a previous article, Microsoft banned a million gamers from Xbox Live for illegally downloading video games. An actual law that would similarly ban web surfers from the Internet for illegally downloading music has the obvious support of the music industry, which has been fighting illegal file-sharing practically since the inception of the Internet. These laws, often referred to as "graduated response" or "three strike" rules, call for Internet service providers to provide escalating responses to repeated allegations of online copyright infringement, including an outright ban from the web.

For example, if my ISP discovered that I illegally downloaded the soundtrack from 'Judge Dredd', it would issue a warning to me to cease and desist from further copyright infringements. If I didn't heed the warning, I would receive a stronger notice to knock it off. Finally, if I continued to ignore the notices and kept illegally downloading music, the ISP could suspend my Internet access.

Supporters of graduated response laws claim the process is a desirable alternative to lengthy and costly lawsuits that seek to enforce copyright infringement. Opponents, however, claim such a law would be unconstitutional, as it robs violators from their due process rights. By giving ISPs Judge Dredd-like power to be judge, jury and executioner of violators, it prevents them from having their day in court or appealing any unfavorable decision. Internet restriction also raises First Amendment concerns, as it precludes violators from exercising their rights of free speech by venting about big brother online.

Other concerns would be the length of the ban and how a violator could go about getting it lifted. Additionally, precluding violators from accessing the Internet may hurt their current employment, their pursuit of future employment or their social interaction. Enforcement of the law also poses a practical impossibility. Can an ISP prevent a violator's entire family from going online, or can it tell when a violator logs on at the library, an Internet café or on a neighbor's WiFi? Or what about wireless internet devices, like Blackberries?

While I certainly don't condone copyright infringement, I think enforcing a graduated response law would be Dreddful.

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