

Internet Users Getting on their SOPA Box Over New Law

**By Reg P. Wydeven
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A few weeks ago, my wife and I rented a DVD. After sitting through about 14 previews, a public service announcement appeared that warned about the perils of pirating movies. The tagline of the spot was, "You wouldn't steal a car!" So, logically, you shouldn't steal a movie by illegally downloading it off the Internet.

While channel surfing recently, I came across a stand-up comedian doing a bit about that very same anti-piracy PSA. The comedian conceded that he certainly would never steal a car. He did go on to say, however, that if his friend bought a brand new car and offered to burn him a copy, he'd probably take him up on it.

Because illegally downloading and burning movies, TV shows, music and other copyrighted materials offered in digital mediums is becoming a rampant problem, last fall Lamar Smith, a Congressman from Texas and chair of the House Judiciary Committee, introduced the Stop Online Piracy Act, or SOPA, in the House of Representatives.

SOPA is designed to reduce piracy and protect the intellectual property rights of movie and television studios and record labels. A sister bill was introduced in the Senate called the Protect IP Act.

The Acts would give the U.S. Department of Justice, as well as copyright holders, the ability to seek court orders against websites accused of enabling or facilitating copyright infringement. These court orders could include barring online advertising networks and payment facilitators, such as PayPal, from doing business with the allegedly infringing website, barring search engines from linking to such sites, and requiring Internet service providers to block access to such sites.

The Acts would also criminalize the unauthorized streaming of copyrighted content, with a maximum penalty of five years in prison for 10 such infringements within six months. Under the bill, Internet services that voluntarily take action against websites dedicated to infringement would be granted immunity, while any copyright holder who knowingly misrepresents that a website is dedicated to infringement would be liable for damages.

In a statement, Smith asserted his bill will help "stop the flow of revenue to rogue websites and ensures that the profits from American innovations go to American innovators." For taking a stance to protect intellectual property rights, Smith quickly became a hero in Hollywood, where many of the intellectual property holders reside.

Just as quickly, though, Smith drew the ire of practically the entirety of cyberspace, claiming the Acts go too far. Eric Schmidt, executive chairman of Google, calls the bills "draconian," and says they "would require ISPs [Internet service providers] to remove URLs from the Web, which is also known as censorship last time I checked."

In 1998, Congress passed the Digital Millennium Copyright Act (DMCA), which includes a provision known as the Online Copyright Infringement Liability Limitation Act (OCILLA). OCILLA affords a "safe harbor" to websites that host content provided they remove copyrighted material upon receiving notice from a copyright owner that the site's content infringes on their rights. Opponents of SOPA and the Protect IP Act claim the Acts would eliminate this safe harbor by allowing judges to immediately block access to any website found guilty of hosting copyrighted material.

They also feel the bills' proposed language is so vague that a single complaint about a website could be sufficient for it to be blocked, with the burden of proof then resting on the website to get itself "un-blocked."

Congress will continue to debate the merits of the Acts. It will be curious to see what wins out – copyright protection or free speech.

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