



RE: Stop Online Piracy Act (HR 3261) (SOPA)

Date: December 15, 2011

Online piracy, and copyright and trademark infringement, by websites and actors located overseas is a real problem. Congress initially sought to address the problem with the Stop Online Piracy Act (HR 3261). However, as drafted, SOPA presented serious First Amendment and due process concerns obligating the ACLJ to urge Congress to draw a more narrowly-tailored bill that reached only the bad actors and offending foreign parties, not innocent Americans and domestic businesses, which are already subject to U.S. law.

The Judiciary Committee has now released its Manager's Amendment to SOPA addressing these issues, clarifying SOPA's application to infringing foreign sites, and confirming full due process be afforded, with court procedures and oversight, before access to any website accused of content piracy or infringement is limited or disabled. This is primarily accomplished with a narrower definition of "Internet site dedicated to theft of U.S. property" that excludes any domestic site for which a domain name registrant, site owner, or site operator is located in the United States, and insuring court action and oversight in any infringement action. These corrections address the First Amendment and due process concerns highlighted by the ACLJ, and represent positive changes.

Based on the Manager's Amendment, the ACLJ does not oppose or support the passage of SOPA. The larger policy evaluation of how best to protect U.S. copyrights, U.S. trademarks, and U.S. intellectual property from international piracy are best left to the Congress. However, because the legislative process has many twists and turns, it is important to emphasize that improvements in the Manager's Amendment represent a floor, rather than a ceiling, when it comes to protecting the First Amendment and due process rights of Americans. Should these protections be watered down in any way as the legislation moves forward, the ACLJ will again express its concerns.