

THE STOP ONLINE PIRACY ACT: What You Need to Know

Right now, the U. S. House of Representatives is considering bi-partisan legislation—the Stop Online Piracy Act (H.R. 3261)—that could make a real difference in the fight against content theft.

The Stop Online Piracy Act (H.R. 3261) would authorize the U.S. Department of Justice to go after foreign websites that are dedicated to the illegal distribution of stolen movies and TV—often called “rogue sites”—where these sites are directed at United States consumers. It would also make the illegal streaming of content for commercial purposes a felony.

The Senate has also introduced legislation—the Protect IP Act—to combat these rogue sites.

Rogue sites and the illegal streaming of our creative content pose a serious and growing threat to our community.

Rogue sites, operated by foreign content thieves, are highly sophisticated and designed to look legitimate—they show up in Google searches, accept major credit cards and feature advertising from reputable companies. The appearance of legitimacy lures unsuspecting Americans into providing personal information, exposing them to identity and credit card theft.

And while the illegal streaming of content for commercial profit is a growing component of online content theft, it currently carries a lesser penalty than the crime of illegal downloading, although both result in the same harm to creators and content owners.

What you can do:

- Log on to CreativeAmerica.org and sign up to stay informed about this and other legislation.
- At CreativeAmerica.org, send a letter to your representative, urging him/her to co-sponsor and vote “yes” on the Stop Online Piracy Act.
- Spread the word on Twitter and Facebook feeds and on blogs. Make your voice heard.

Did you know?

U.S. Immigration and Customs Enforcement (ICE), within the Department of Homeland Security, is the primary entity within the U.S. government focused now on seizing domain names of (and thus disabling) websites trafficking illegally in stolen content like movies and TV. However, ICE cannot currently reach sites trafficking in stolen content that are hosted or reside on domains outside the United States.

The Stop Online Piracy Act targets these foreign rogue sites and follows established due process protections.

The Stop Online Piracy Act would authorize the Attorney General and the U.S. Department of Justice to commence an action against a foreign site directed at the United States and obtain a court order that the site is dedicated to trafficking illegally in stolen content.

If the court finds that a site is rogue, it may order Internet Service Providers (ISPs) and search engines not to link or connect users to the rogue site. The court can also require payment processors and online advertising networks to cut off the flow of money to the rogue site.

The Stop Online Piracy Act is not “censorship”. It will not “break” the Internet. What it does do is protect free speech, consumers and jobs.

The technique used to block access to a rogue website—Domain Name System (DNS) blocking—is the same that is already commonly used by sixteen countries—including the U.S.—to protect consumers from sites that traffic in stolen content, spam, malware, child pornography and other illegal activities. Preventing these types of websites from conducting illegal or harmful activities to U.S. based consumers is not censorship, it’s good public policy. The Stop Online Piracy Act, like content protection law before it, promotes free speech. As noted First Amendment scholar Floyd Abrams states “Copyright violations have never been protected by the First Amendment...this proposed legislation is not inconsistent with the First Amendment; it would protect creators of speech, as Congress has done since this Nation was founded, by combating its theft.”