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“Stop Online Piracy Act”
Nicollette Brandt

On January 18, 2012, thousands of websites went black in an effort to protest the “Stop Online Piracy Act,” a bill designed to broaden U.S. law enforcement’s ability to stop online trafficking of intellectual property and counterfeit goods. Internet moguls like Wikipedia, Reddit, and Mozilla blocked access to their websites to represent the effects that copyright owners could have on websites they merely accused of copyright infringement. [1, 4]

Supporters of SOPA argue that the bill is meant to stop foreign piracy of American products, but “the broad language in the Senate bill may subject domestic sites to trouble if they link to foreign sites, while the House version explicitly permits whole-site takedowns of sites operating within the U.S.” [4] Under the current version of SOPA, both the government and major corporations would have the ability to request court orders to stop search engines from linking to infringing websites, bar advertisers and payment facilitators from conducting business with infringing websites, and require Internet service providers to block access to infringing websites. [2] SOPA would also give law enforcement agencies the power to shut down websites accused of copyright infringement without any traditional due process procedures. [3]

The beauty of the internet is that it has been widely unregulated since its inception and for those tech savvy enough to know where to look, unauthorized copyrighted materials, like music and movies, can be found, viewed, and downloaded easily. While we have grown accustomed to the ease of use and gratis ways of the World Wide Web, the time for stricter regulation of intellectual property on the internet is upon us, but SOPA may not be the right answer.

SOPA would have serious financial implications for internet companies because of the costs necessary to patrol their websites for unauthorized content and to defend against an onslaught of frivolous litigation. SOPA would effectively force websites to internally monitor their content for unauthorized copyrighted materials or face the prospect of costly and incessant lawsuits for copyright infringement. [2] News, information, and memes travel across the internet with the speed of a mouse click, making access to and distribution of copyrighted materials an easy feat. Websites like Reddit host user uploaded content as well as their own original content, making internal monitoring for unauthorized copyrighted content an arduous and time consuming task. The passage of SOPA could easily turn the internet into a graveyard of websites that were unable to adequately patrol their content.

SOPA may also have serious free speech implications, with the bill’s anti-piracy procedures potentially resulting in widespread censorship of legitimate content. “Under current law, companies that believe that their material has been improperly excerpted can request that the infringing material be removed, but cannot demand that entire websites be shuttered.” [3] However, SOPA would allow the U.S. government to censor the internet by restricting access to entire websites that have been accused of infringement, similar to the practices of the Chinese government in recent years. While stricter regulation of intellectual property on the internet is inevitable, SOPA’s immediate and indiscriminate restriction of legitimate websites based on any amount of unauthorized copyrighted content is superfluous and unconstitutional at best.

[1] Declan McCullagh, How SOPA Would Affect You: FAQ, CNET, January 18, 2012, available at http://news.cnet.com/8301-31921_3-57329001-281/how-sopa-would-affect-you-faq.

[2] Stephanie Condon, SOPA, PIPA: What you need to know, CBS News January 18, 2012, available at http://www.cbsnews.com/8301-503544_162-57360665-503544/sopa-pipa-what-you-need-to-know.

[3] Zach Carter and Ryan Grim, SOPA Blackout Aims To Block Internet Censorship Bill, Huffington Post, January 18, 2012, available at http://www.huffingtonpost.com/2012/01/18/sopa-blackout-internet-censorship_n_1211905.html.