



Written by [Bob Adelman](#) on November 17, 2011

## Stop Online Piracy Act (SOPA) Overkill

The bill was offered back in October by Smith along with 12 cosponsors, including Bob Goodlatte (R-Va.) who stated:

Intellectual property is one of America's chief job creators and competitive advantages in the global marketplace, yet American inventors, authors, and entrepreneurs have been forced to stand by and watch as their works are stolen by foreign infringers beyond the reach of current U.S. laws. This legislation will update the laws to ensure that the economic incentives our Framers enshrined in the Constitution over 220 years ago — to encourage new writings, research, products and services — remain effective in the 21st Century's global marketplace, which will create more American jobs. The bill will also protect consumers from dangerous counterfeit products, such as fake drugs, automobile parts and infant formula.



The bill represents a modification of the Senate bill, the PROTECT IP Act, which was reported out of committee last spring but hasn't yet reached the floor of the Senate for debate.

Supporters and opposition are rapidly lining up, pitting Hollywood's producers against the Internet content providers, or, as Politico.com called it, the "[Shootout at the Digital Corral.](#)"

When the Digital Millennium Copyright Act (DMCA) was passed in 1998, it provided "safe harbors" for providers of content against liability in the event a website, domestic or foreign, engaged in pirating copyrighted material as long as they terminated that relationship upon notification. This allowed the blossoming of the music industry, where for just a few hundred dollars an artist in his basement could create a product without a battery of attorneys on retainer to defend him. Issues of pirating were resolved more or less satisfactorily under DMCA as the industry grew. The new bills, however, are being viewed as draconian overstepping, putting not only the burgeoning music business at risk but Fourth Amendment protections as well. As noted by Amber Allman, a spokesman for Yahoo, "There is more to this issue than meets the eye. While we support targeted approaches to solving the problem of foreign rogue sites [violating copyrights], some of these bills could truly hamper innovation on the Internet, so we are working hard to raise awareness of the potential for unintended consequences."

One of those unintended consequences, according to Politico, is the huge ramping up of investments in lobbying by both sides of the issue. The Recording Industry of American (RIAA) and the Motion Picture



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Association of America (MPA) have already spent more than \$5 million so far this year, bringing in heavyweights such as former Senator Chris Dodd (D-Conn.) and Mitch Glazier, former chief counsel for a House Judiciary subcommittee under Henry Hyde (R-Ill.) to plead for passage. The U.S. Chamber of Commerce is pushing for enactment as well, along with Macmillan Publishers, Netflix, Viacom, and trade-mark dependent companies such as Nike, L'Oreal, and Acushnet.

The opposition, consisting of Google, Yahoo, NetCoalition, the Computer and Communications Industry Association, the Consumer Electronics Association, and a host of others, are pointing out the dangers of the bills greatly exceeding the perceived need. The Electronic Frontier Foundation called SOPA a "massive piece of job-killing Internet regulation.... This bill cannot be fixed; it must be killed." Reporters without Borders said the bill is "clearly hostile to freedom of expression [and that it] would allow copyright and intellectual property owners to impose content filtering and blocking without independent judicial control." James Allworth, a blogger at *Harvard Business Review* asked: "Is this really what we want to do to the internet? Shut it down every time it doesn't fit someone's business model?" He concluded that the bill would "give America its very own version of the Great Firewall of China."

Ron Paul (R-Texas) went to the heart of the matter in a letter to the bill's sponsor, Rep. Lamar Smith, signed by nine other members of Congress:

While combating online copyright infringement is a goal we all strongly support ... this legislation would cause substantial harm to the innovation and economic opportunities created by the Internet....

You've previously stated that this legislation is intended to target "rogue" foreign websites engaging in copyright infringement. While this is a laudable goal and one we support, the SOPA's overly broad language ... would target legitimate domestic websites, creating significant uncertainty for those in the technology and venture capital industries.

Mike Masnick, [writing in his blog at TechDirt.com](#), concluded, "SOPA is a gross overreach by a few big companies who don't want to adapt to a changing marketplace... [It would result in] stifling the growing tech industry to appease a Hollywood that refuses to adapt. Regulating the internet is a bad, bad idea."



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