



Stop Online Piracy Act

The *Stop Online Piracy Act* (SOPA), H.R. 3261, is intended to address the legitimate and growing problem of international intellectual property infringement, piracy and counterfeiting through new and expanded enforcement mechanisms and criminal penalties. These activities mainly exist through so-called “rogue websites” that provide access to or serve as distribution mechanisms of infringed, pirated, or counterfeit materials.

However, SOPA threatens to change the protections available to internet users and libraries. It has the potential to weaken the *Digital Millennium Copyright Act* (DMCA) safe harbors that have allowed the internet to thrive, and threatens the privacy and freedom of speech of internet users.

Section 101 of SOPA provides new definitions, including distinctions between domestic and foreign internet sites and domain names, definitions for internet advertising services and search engines, and definitions of internet site owners and operators.

Section 102 gives the U.S. Attorney General new powers to bring actions against “foreign infringing sites that are ‘U.S.-directed.’” These actions can be against the domain name registrant, website owner or against the domain name itself. Temporary or permanent injunctions can be obtained then used against internet service providers, search engines, payment processing systems, and internet advertising services, requiring them to block access or no longer provide services to enjoined websites.

Sections 103 through 105 give new powers to content owners to issue notice and take-down notices to payment providers, advertising services, and other intermediaries, which would require them to block “sites dedicated to the theft of U.S. property.”

Of particular concern to libraries, Section 201 adds a criminal penalty for unauthorized streaming of copyrighted works or making them available on a “computer network accessible to members of the public.”

AALL urges members of the House of Representatives to vote “No” on SOPA because:

- **SOPA is overly broad.** If used as intended, SOPA provides mechanisms for attacking websites that engage in infringing activities. However, the broad language opens too many websites to liability. For example, a library website that streams or posts content that is knowingly or unknowingly protected by copyright -- even if the post is arguably covered by fair use, or is reposted from another site -- could be subject to the sanctions by SOPA. Many websites that are neither rogue nor trying to enable infringement could be sanctioned.
- **SOPA threatens free speech and fair use rights.** The expansion of content-owner notice and take-down powers could be used to target fair uses and chill willingness of users to fairly utilize copyrighted works.
- **SOPA inhibits free expression.** SOPA discourages the use of copyrighted or potentially copyrighted works (e.g. orphan works) for any purpose, even legitimate, non-harmful ones. For example, the criminal penalties raise the specter of YouTube videos of individuals “covering” copyrighted songs being subject to criminal sanction even if their use of material is non-harmful and non-commercial.