Targeting Websites Dedicated To Stealing American Intellectual Property

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Tags: Array

Supporting Documents

CDT supports the goal of reducing copyright and trademark infringement. In particular, we agree that there are websites the main purpose and activity of which is to enable and promote infringement. These sites are true bad actors and they deserve to be the target of law enforcement.

CDT has significant concerns, however, about some of the mechanisms proposed in the legislation developed by this Committee last year, the Combating Online Infringement and Counterfeits Act (COICA). Specifically, we would urge the Committee to take a hard look at the provisions of COICA that focus on the blocking and seizure of Internet domain names. These domain-name provisions would be almost entirely ineffective at achieving their goal of reducing infringement. At the same time, they would threaten unintended collateral damage in a number of areas, including suppressing lawful speech; exacerbating cybersecurity risks; and encouraging a dangerous jurisdictional scrum in which each country tries to use the domain name system to assert domestic jurisdiction over foreign websites. In short, the bills domain-name provisions would fail any serious cost-benefit test and simply cannot be justified. The Committee should not proceed with COICA or with legislation proposing similar domain-name focused remedies.

This statement discusses why COICAs domain-name provisions would be ineffective. It then reviews the types of collateral damage that those provisions would risk.

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- intellectual property
- Domain Names
- copyright

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