



## Concerns with H.R. 3261, the “Stop Online Piracy Act.”

The Stop Online Piracy Act (“SOPA”) is an 80-page Internet regulatory proposal that goes well beyond what supporters originally sought from Congress: finding a way to target the “worst-of-the-worst” offshore sites that peddle illegal goods to U.S. consumers by operating outside of the Department of Justice’s jurisdiction.

- **Effectively Overturns Current Law.** SOPA threatens the ongoing success of the *U.S. Internet industry, which is one of the most successful and fastest growing sectors of the national economy*, by imposing regulations and liabilities on Internet companies that merely serve as conduits for someone else’s communication. This is a *direct reversal of the federal laws and policies – most significantly the Digital Millennium Copyright Act (“DMCA”) – that have allowed the Internet economy to grow and succeed.*
- **Creates a New Private Right of Action Against Lawful U.S. Companies.** SOPA provides *a private right of action against sites in the U.S. that have violated no existing law and against lawful payment processors and Internet advertising services.*
- **Technology Mandates.** SOPA exposes U.S. Internet companies and financial services firms to *technology mandates*, where federal judges can impose or second-guess technological measures used to block access to Internet sites at the request of law enforcement or private parties.
- **Exposes lawful U.S. firms to liability without due process.** SOPA incentivizes firms to shut down, block access to, and stop servicing U.S. and foreign websites that copyright and trademark owners allege are illegal *without any due process* or ability of a wrongfully targeted website to seek restitution.
- **Subjects U.S. Firms to Three New Statutory Standards of Infringement.** SOPA creates new, vague theories of secondary liability that expose lawful, U.S. Internet firms, cloud computing services, and social networks to *new litigation.*
- **Eliminates Business Certainty for U.S. Internet Firms.** SOPA introduces a confusing patchwork of regulations *where a site that has certainty that it will not be subject to liability under the DMCA can nonetheless be deemed an illegal site under SOPA.*
- **Threatens Critical U.S. Infrastructure.** SOPA proposes technological solutions to block access to unlawful sites that *will not work and instead create security risks to critical U.S. infrastructure.*
- **Chills Free Speech.** SOPA grants new powers to both law enforcement and private actors to filter the Internet and block access to tools to get around those filters, inadvertently giving support to similar efforts by oppressive, undemocratic regimes in other countries.