

Santa Clara University

SOPA/PIPA and Online Copyright Battles

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January 18, 2012



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January 18, 2012



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For over a decade, we have spent millions of hours building the largest encyclopedia in human history. Right now, the U.S. Congress is considering legislation that could fatally damage the free and open internet. For 24 hours, to raise awareness, we are blacking out Wikipedia. [Learn more.](#)

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January 18, 2012



Kim Kardashian

@KimKardashian



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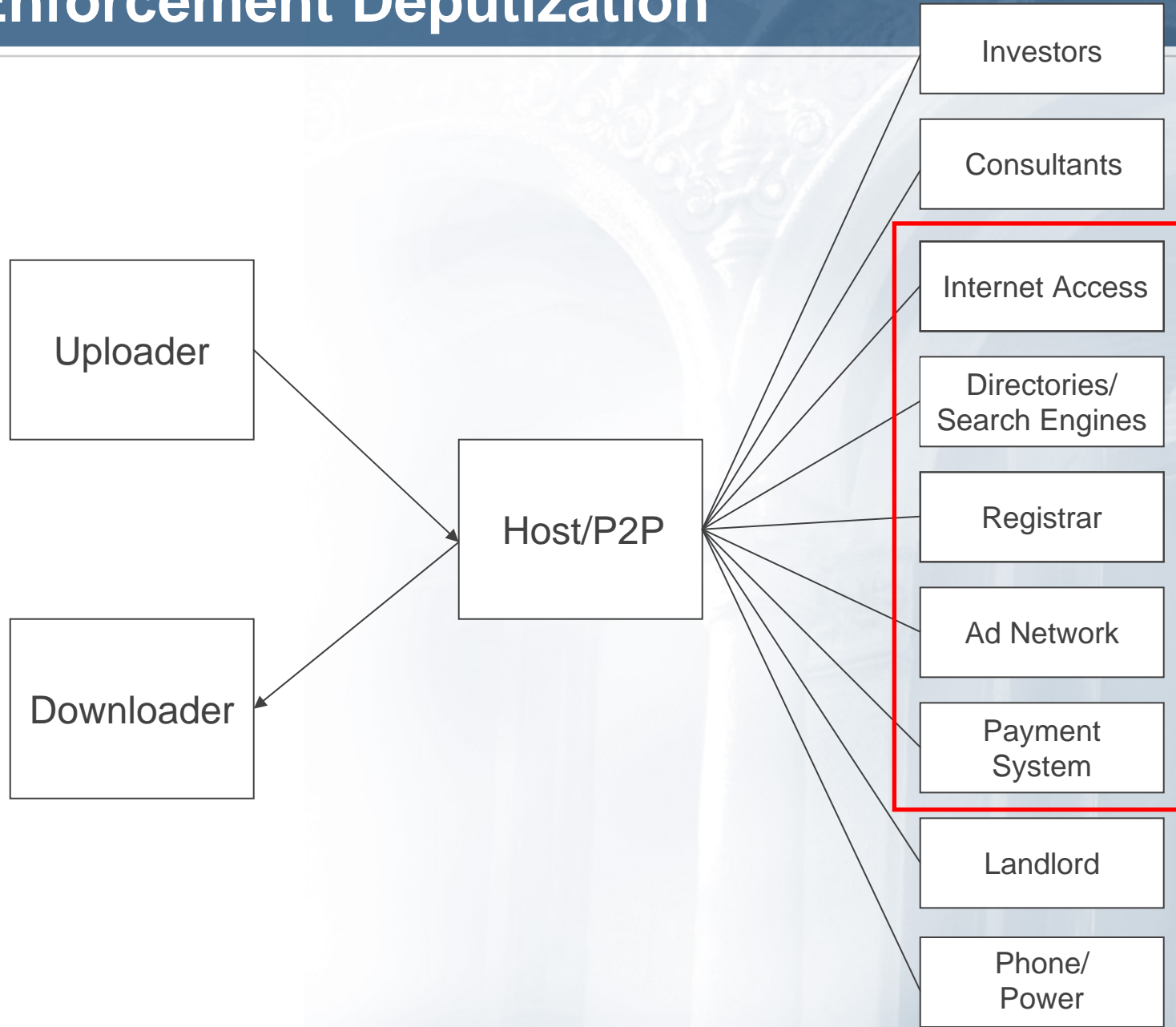
19 Senators opposed PIPA *in one day*:

Kelly Ayotte (R-NH)*
Mark Begich (D-AK)
Roy Blunt (R-MO)*
John Boozman (R-AR)*
Scott Brown (R-MA)
Ben Cardin (D-MD)*
Tom Coburn (R-OK)
John Cornyn (R-TX)
Jim DeMint (R-SC)
Orrin Hatch (R-UT)*

James Inhofe (R-OK)
Mark Kirk (R-IL)
Mike Johanns (R-NE)
Jeff Merkley (D-OR)
Lisa Murkowski (R-AK)
Marco Rubio (R-FL)*
Olympia Snowe (R-ME)
Pat Toomey (R-PA)
David Vitter (R-LA)*

* = former PIPA co-sponsor

Enforcement Deputization



Next Battleground—Congress



Next Battleground—Executive Branch



Next Battleground—Executive Branch



U.S. Immigration
and Customs
Enforcement

Fact Sheet

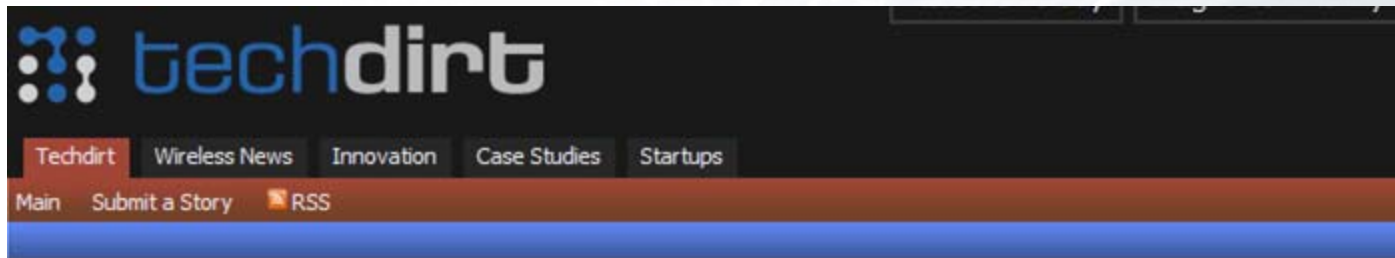
Nov. 28, 2011

Websites seized during the eighth phase of Operation In Our Sites

IPR Center seizes 150 website domains selling counterfeit and pirated merchandise



Next Battleground—Executive Branch



<< MPAA Tries Its Hand At Comedy With A Top 10...



Court Dismisses Puerto 80 Rojadirecta Case... >>



Breaking News: Feds Falsely Censor Popular Blog For Over A Year, Deny All Due Process, Hide All Details...

from the *copyright-as-censorship* dept

Free Speech

by Mike Masnick

Thu, Dec 8th 2011

8:29am

15

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Imagine if the US government, with no notice or warning, raided a small but popular magazine's offices over a Thanksgiving weekend, seized the company's printing presses, and told the world that the magazine was a criminal enterprise with a giant banner on their building. Then imagine that it never arrested anyone, never let a trial happen, and filed everything about the case under seal, not even letting the magazine's lawyers talk to the judge presiding over the case. And it continued to deny any due process at all for *over a year*, before finally just handing everything back to the magazine and pretending nothing happened. I expect most people would be outraged. I expect that nearly all of you would say that's a classic case of prior restraint, a massive First Amendment violation, and exactly the kind of thing that does not, or should not, happen in the United States.

Filed Under: censorship, dajaz1, domain seizures, free speech, homeland security, ice, justice department, pipa,

But, in a story that's been in the making for over a year, and which we're exposing to the public for the first time now, this is *exactly* the scenario that has played out over the past year -- with the only difference being that, rather than "a printing press" and a "magazine," the story involved "a domain" and a "blog."

There are so many things about this story that are crazy, it's difficult to know where to start, so let's give the most important point first: The US government has effectively admitted that it



Santa Clara University

Next Battleground—International Trade Agmts

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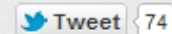
The Anti-Counterfeiting Trade Agreement (ACTA)

Stopping [SOPA](#) and [PIPA](#) was a historic victory for digital citizens, but ACTA potentially poses a similar threat to the global Internet community. While the agreement's stated goal of strengthening intellectual property rights is one all should support, it does so by undermining individual privacy rights and by empowering an unaccountable enforcement bureaucracy. And just like SOPA and PIPA, ACTA was crafted without input from citizens and key stakeholders in a secretive, closed-door process.

Worse, ACTA appears to be an unconstitutional power grab started by President George W. Bush and completed by President Barack Obama - despite the White House's January 14 criticism of legislative solutions that harm the Internet and erode individual rights. The Constitution gives Congress the power to pass intellectual property legislation - like SOPA and PIPA - and gives the Senate the power to ratify treaties. But the Obama Administration maintains that ACTA is not even a treaty, justifying the exclusion of both American citizens and their elected representatives. It is a practice Vice President Joe Biden [decried](#) as a U.S. Senator. Closed doesn't cut it. We opened up ACTA in [Madison](#) so you can [sign up](#), speak out and collaborate to build a better "treaty."

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101 Community Suggestions

[4. Each Party shall promote, where appropriate, the establishment and maintenance of formal or informal mechanisms, such as advisory ...](#)

[Carolyn B.](#) Mar 6th, 2012 10:45 pm

[3. Each Party shall, as appropriate, promote internal coordination among, and facilitate joint actions by, its relevant law enforcement ...](#)

[Carolyn B.](#) Mar 6th, 2012 10:42 pm

[\(c\) unless a Party has provided its relevant law enforcement authorities with the authority described in subparagraph \(b\), at least ...](#)

44 Community Comments

1 2 3 4 5 6

CHAPTER I INITIAL PROVISIONS AND GENERAL DEFINITIONS 8

Section 1: Initial Provisions

ARTICLE 1: RELATION TO OTHER AGREEMENTS

Nothing in this Agreement shall derogate from any obligation of a Party with respect to any other Party under existing agreements, including the TRIPS Agreement. 2

ARTICLE 2: NATURE AND SCOPE OF OBLIGATIONS

1. Each Party shall give effect to the provisions of this Agreement. A Party may implement in its law more extensive enforcement of intellectual property rights

Next Battleground—International Trade Agmts



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Trans-Pacific Partnership

On November 12, 2011, the Leaders of the nine Trans-Pacific Partnership countries – Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, Vietnam, and the United States – announced the achievement of the broad outlines of an ambitious, 21st-century Trans-Pacific Partnership (TPP) agreement that will enhance trade and investment among the TPP partner countries, promote innovation, economic growth and development, and support the creation and retention of jobs. President Obama along with the other eight TPP leaders agreed to seek to finalize an agreement in the coming year.

- [Trans-Pacific Partnership Leaders Statement](#)
- [FACT SHEET: The United States in the Trans-Pacific Partnership](#)
- [Outlines of the Trans-Pacific Partnership Agreement](#)
- [Trans-Pacific Partnership \(TPP\) Trade Ministers' Report to Leaders](#)
- [Remarks by President Barack Obama in Meeting with Trans-Pacific Partnership](#)

The Trans-Pacific Partnership (TPP) Agreement will feature new cross-cutting issues not previously included in trade agreements, such as making the regulatory systems

TPP Information

[TPP Blog](#)

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TPP Negotiation Updates

Round 11 - Melbourne, Australia, March 2-9, 2012

[Update on the 11th round of Trans-Pacific Partnership Agreement \(TPP\) negotiations](#)

Next Battleground—Courts

DECKERS OUTDOOR CORP.,

Plaintiff,

v.

LIYANGHUA, et al.,

Defendants.

PHILIP MORRIS USA INC,

Plaintiff,

vs.

ZHILIN JIANG, et al.,

Defendants.

TRUE RELIGION APPAREL, INC.; GURU DENIM, INC.,

Plaintiffs,

v.

XIAOKANG LEI D/B/A
TRUERELIGIONJEANS4OUTLET.COM; LIN JIANYU
D/B/A TRUERELIGIONJEANSOUTLET8.COM; ZHAO
YANG QU D/B/A TRUERELIGION2CHEAP.COM;
RONGLIAN LU D/B/A TOPTRJEANS.COM;
FORTRUERELIGIONJEANS.COM D/B/A
FASHIONJEANSHOP@GMAIL.COM; XIN JIE KOU D/B/A
TRUERELIGIONSALE.CO.UK; JIAQIAO LV D/B/A
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MYFASHIONJEANS.COM; TOM SMITH D/B/A
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QIN KE D/B/A
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FENG08183@SOHU.COM D/B/A CHEAP SKYS CO. LTD.
D/B/A CHEAP-SKYS.COM; SHOES-GOOGLE CO., LTD.
D/B/A GOTRADINGZONE.COM D/B/A
GOTRADINGZONE@HOTMAIL.COM; GUOFANG XIAO

RICHEMONT INTERNATIONAL S.A.;
RICHEMONT NORTH AMERICA, INC.;
CARTIER INTERNATIONAL A.G.;
CHLOÉ S.A.S.; OFFICINE PANERAI A.G.;
MONTBLANC-SIMPLIO G.M.B.H.;
MONTBLANC NORTH AMERICA, LLC; and
CARTIER, IWC, VACHERON CONSTANTIN,
BAUME & MERCIER, CHLOÉ, PANERAI,
PIAGET, and JAEGER-LECOULTRE, EACH A
DIVISION OF RICHEMONT NORTH
AMERICA, INC.,

Plaintiffs,

v.

MONTESOL OU, BANTAM INTER LP,
UAB WESTCARGO, ALL D/B/A THE INTERNET
DOMAIN NAMES IDENTIFIED IN APPENDIX A;
THE PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED BY THE
FOREGOING DOMAIN NAMES; JOHN DOES;
AND ABC COMPANIES,

Defendants.

CHANEL, INC.,

Plaintiff,

v.

THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A" and
DOES 1-1000,

Defendants.

Next Battleground—“Voluntary” Initiatives

Center for Copyright Information

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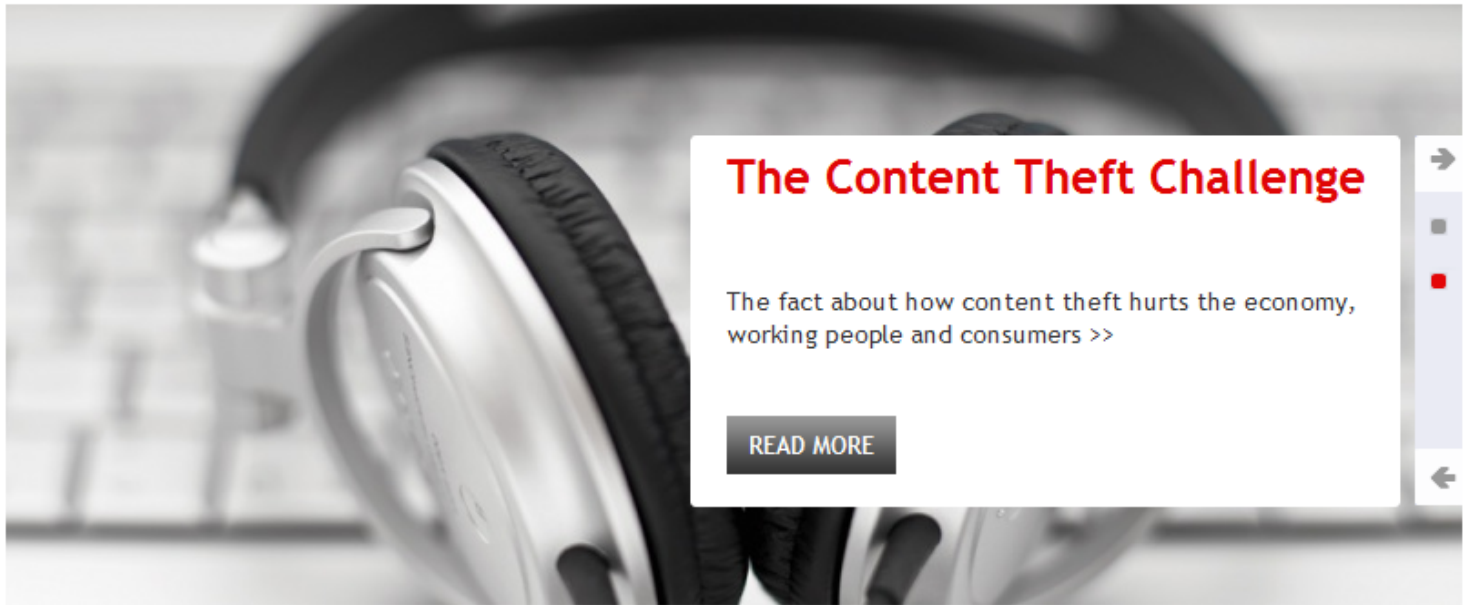
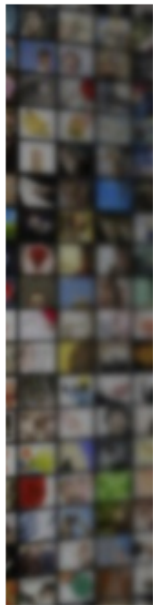
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The fact about how content theft hurts the economy, working people and consumers >>

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Center for Copyright Information Announces Three Major Steps Towards Implementation

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Content Theft Costs America:

More than 373,000 jobs

Next Battleground—“Voluntary” Initiatives

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Internet Corporation for Assigned Names and Numbers

Thought Paper on Domain Seizures and Takedowns

by DAVE PISCITELLO on MARCH 8, 2012

Recent legal actions (Rustock, Coreflood and Kelihos, among others) resulting in disrupting or dismantling major criminal networks have involved seizures of domain names, DNS name server reconfiguration and transfers of domain name registrations as part of the takedown actions.

This [thought paper](#) [PDF, 449 KB] offers guidance for anyone who prepares an order that seeks to seize or take down domain names. Its purpose is to help preparers of legal or regulatory actions understand what information top level domain name (TLD) registration providers such as registries and registrars will need to respond promptly and effectively to a legal or regulatory order or action. The paper explains how information about a domain name is managed and by whom. In particular, it explains that a seizure typically affects three operational elements of the Internet name system domain name registration services, the domain name system (DNS)



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ICANN 24 hrs left to comment on the draft report published by #ICANN's Security, Stability & Resiliency Review Team. bit.ly/HcBR5
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The Future

- Jan. 18: consumers who love the Internet vs. incumbent monopolists. YOUR VOTE MATTERS!
- Post-Jan. 18 asymmetry: opponents need to win every battle; copyright owners only need to win once
- The only way to avoid de facto SOPA/PIPA: enact new immunities/safe harbors