



Myth vs. Fact: Stop Online Piracy Act

Myth #1: SOPA allows the government to censor the Internet by prohibiting access to websites on the Internet.

Fact:

- SOPA does not censor legal activity on the Internet. It targets activity that is already illegal.
- **The bill helps stop illegal *foreign* websites from stealing and selling America's technology and inventions, and keeping the profits for themselves.**
- The theft of America's intellectual property costs the U.S. economy more than \$100 billion annually and results in the loss of thousands of American jobs.
- This bill targets *foreign* websites that are primarily engaged in illegal and infringing activity.
- **It's not censorship to enforce the law and stop criminal activity online.**

Myth #2: SOPA limits free speech on the Internet.

Fact:

- SOPA is a constitutional bill that protects free speech and America's intellectual property.
- **The First Amendment is not an excuse for illegal activity. And simply because illegal activity occurs online does not mean that it is protected speech.**
- Like online piracy, child pornography is also offered online. It is also illegal. Just as there is no First Amendment right to offer or access obscenity online, there is no protected interest in offering illegal counterfeit and pirated products and services.
- This bill does not threaten the Internet as a tool of communication and commerce. But it does threaten the profits generated by foreign criminals who target the U.S. market and willfully steal intellectual property by trafficking in counterfeit or pirated goods.

Myth #3: SOPA will allow anyone to file a complaint against any website (even lawful websites) and have access to that site blocked.

Fact:

- **The bill authorizes the Justice Department to seek a court order requiring companies to sever ties with foreign illegal websites.**
- The Justice Department must go to a federal judge and lay out the case against a foreign site.
- Search engines will simply be required to remove the direct link to an illegal site.
- Third party intermediaries, such as credit-card companies and online ad providers, are only required to stop working with the illegal site. They cannot be held liable for the illegal or infringing actions taken by the rogue site.
- These are responsible and reasonable actions that are only required after significant due process and federal judicial oversight.

Myth #4: SOPA will destroy social networking sites like Facebook and YouTube. It will even make it illegal for parents to post videos of their children singing songs by their favorite recording artists.

Fact:

- SOPA defines rogue sites as ***foreign websites*** that are ***primarily dedicated to the illegal sale and distribution of counterfeit or pirated goods or foreign websites that market themselves as such.***
- Websites like Facebook and YouTube that host user content are not “primarily dedicated to” illegal activity and they do not market themselves as websites “primarily dedicated to” illegal activity.
- Legitimate and lawful websites, including blogs and social networking sites, have nothing to worry about.
- But if a user posts illegal content on a website, current law (1998 DMCA) allows rights holders to notify the website to remove the illegal or infringing content.

Myth #5: SOPA will break the Internet.

Fact:

- When one-quarter of Internet traffic is infringing, something is already in need of repair. Laws exist to protect our property rights in the real world – those same protections apply to the Internet.

Myth #6: SOPA imposes burdensome regulations on the Internet, which will hurt the free flow of information and stall innovation.

Fact:

- It is not regulation to enforce the law on the Internet.
- The *Stop Online Piracy Act* stops criminals from using the online global marketplace to profit from the sale and distribution of counterfeit American goods.
- **The bill does not regulate those engaged in lawful activity on the Internet.** But it does help to cut off the flow of revenue to foreign criminals who hide behind the anonymity of the Internet to rob America’s innovators and job creators of their hard-earned profits.
- Piracy and counterfeiting discourage innovation because they steal profits and revenues that rightfully belong to America’s innovators.
- This bill protects financial incentives by ensuring that profits from America’s innovations go to American innovators. That encourages creativity and innovation, which leads to economic growth and job creation.

Myth #7: SOPA must be bad if Internet giants like Google oppose it.

Fact:

- Unfortunately, some critics of this bill have generated enormous profits from illegal websites that sell stolen intellectual property.
- Google has directed consumers to these illegal sites by featuring them prominently on their search function. This includes sites with counterfeit drugs that could endanger the lives of consumers.
- **In August, Google paid \$500 million dollars to settle a criminal case into the search engine giant’s active promotion of rogue foreign pharmacies that sold counterfeit and illegal drugs to U.S. patients.** Google’s conduct demonstrates there is a need for the government to step up enforcement of intellectual property rights online and provide increased protections to American consumers.

- American intellectual property industries provide 19 million high-paying jobs to the U.S. economy and account for more than 60 percent of U.S. exports. But the theft of America's intellectual property costs the U.S. economy more than \$100 billion annually.
- Companies that care about American consumers and our economy should support legislation that protects American jobs and innovations.
- It is clear that Google has a vested interest in opposing this legislation. That's because they profit from doing business with online criminals who sell counterfeit goods.

Myth #8: SOPA allows Attorney General Eric Holder to “police” the Internet.

Fact:

- This bill does not give unilateral authority to the Justice Department to shut down foreign rogue websites.
- Under the bill, the Justice Department must go to a **federal court** and lay out the case against a *foreign* infringing site. If a judge agrees that the site is an illegal and infringing rogue website, then a court order can be issued requiring companies to sever ties with the illegal foreign site.
 - Third party intermediaries, such as credit-card companies and online ad providers, are only required to stop working with the illegal site. They cannot be held liable for the illegal or infringing actions taken by the rogue site.
 - Search engines are merely obligated to not return results that lead directly to illegal foreign rogue websites.
 - These are responsible and reasonable actions that are only required after significant due process and federal judicial oversight.
- **It's ironic that opponents of the *Stop Online Piracy Act* express concern over DOJ's role in the enforcement of intellectual property law, but have no problem giving President Obama the authority to pardon foreign rogue websites for mere 'policy reasons.'**
- Sponsors of the OPEN Act seem fine with President Obama being able to use this authority at his political will, but are unwilling to trust the judiciary and federal courts who have handled intellectual property enforcement for decades.
- **Comments that the entire Justice Department cannot be trusted because of Attorney General Eric Holder demean the hard work of thousands of career prosecutors and attorneys-in-the-field who have no political, personal or professional affiliation with the Obama administration.**
- Under that same logic, if you don't trust DOJ to handle intellectual property cases, why would you allow them to handle more pressing issues like terrorism and national security?
- We have problems with Attorney General Eric Holder, to be sure.
- But the Justice Department as a law enforcement entity is not defined by the Attorney General – it includes tens of thousands of federal investigators, FBI agents, prosecutors and law enforcement officials who serve our country with professionalism and distinction. Their service should not be marred simply because of the Attorney General.