

Protect IP	SOPA
<p>The term “<i>Internet site dedicated to infringing activities</i>” means an Internet site that—</p> <p>(A) has no significant use other than engaging in, enabling, or facilitating the—</p> <p>(i) reproduction, distribution, or public performance of copyrighted works, incomplete or substantially complete form, in a manner that constitutes copyright infringement under section 501 of title 17, United States Code; (ii) violation of section 1201 of title 12 17, United States Code; or (iii) sale, distribution, or promotion of goods, services, or materials bearing a counterfeit mark, as that term is defined in section 34(d) of the Lanham Act; or</p> <p>(B) is designed, operated, or marketed by its operator or persons operating in concert with the operator, and <i>facts or circumstances suggest is used, primarily as a means for engaging in, enabling, or facilitating the activities described under clauses (i), (ii), or (iii) of subparagraph (A);</i></p>	<p>Definition- For purposes of this section, a foreign Internet site or portion thereof is a ‘<i>foreign infringing site</i>’ if--</p> <p>(1) the Internet site or portion thereof is a U.S.-directed site and is used by users in the United States;</p> <p>(2) the owner or operator of such Internet site is committing or facilitating the commission of criminal violations punishable under section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of title 18, United States Code; and</p> <p>(3) the Internet site would, by reason of acts described in paragraph (1), be subject to seizure in the United States in an action brought by the Attorney General if such site were a domestic Internet site.</p>
<p>(1) IN PERSONAM.—The Attorney General may commence an in personam action against—</p> <p>(A) a registrant of a nondomestic domain name used by an Internet site dedicated to infringing activities; or (B) an owner or operator of an Internet site dedicated to infringing activities accessed through a nondomestic domain name.</p> <p>(2) IN REM.—If through due diligence the Attorney General is unable to find a person described in subparagraphs (A) or (B) of paragraph (1), or no such person found has an address within a judicial district of the United States, the Attorney General may commence an in rem action against a non domestic domain name used by an Internet site dedicated to infringing activities.</p>	<p>(1) IN PERSONAM- The Attorney General may commence an in personam action against-- (A) a registrant of a domain name used by a foreign infringing site; or (B) an owner or operator of a foreign infringing site.</p> <p>(2) IN REM- If through due diligence the Attorney General is unable to find a person described in subparagraph (A) or (B) of paragraph (1), or no such person found has an address within a judicial district of the United States, the Attorney General may commence an in rem action against a foreign infringing site or the foreign domain name used by such site.</p>
<p>INJUNCTIVE RELIEF (PIPA) - On application of the Attorney General following the commencement of an action under this section, the court may issue a temporary restraining order, a preliminary injunction, or an injunction, in accordance with rule 65 of the Fed-General Rules of Civil Procedure, against the non-domestic domain name used by an Internet site dedicated to infringing activities, or against a registrant of such domain name, or the owner or operator of such Internet site dedicated to infringing activities, to cease and desist from undertaking any further activity as an Internet site dedicated to infringing activities, if— (A) the domain name is used within the United States to access such Internet site; <b>and</b> (B) the Internet site (i) conducts business directed to residents of the United States; <b>and</b> (ii) harms holders of United States intellectual property rights.</p>	<p>INJUNCTIVE RELIEF - On application of the Attorney General following the commencement of an action under this section, the court may issue a temporary restraining order, a preliminary injunction, or an injunction, in accordance with rule 65 of the Federal Rules of Civil Procedure, against a registrant of a domain name used by the foreign infringing site or an owner or operator of the foreign infringing site or, in an action brought in rem under paragraph (2), against the foreign infringing site or a portion of such site, or the domain name used by such site, to cease and desist from undertaking any further activity as a foreign infringing site</p>

<p>JURISDICTION (PIPA) - For purposes of determining whether an Internet site conducts <i>business directed to residents of the United States</i> under paragraph (1)(B)(i), a court may consider, among other indicia, whether—</p> <p>(A) the Internet site is providing goods or services described in section 2(7) to users located in the United States;</p> <p>(B) there is evidence that the Internet site is not intended to provide— (i) such goods and services to users located in the United States; (ii) access to such goods and services to users located in the United States; and (iii) delivery of such goods and services to users located in the United States;</p> <p>(C) the Internet <i>site has reasonable measures</i> in place to prevent such goods and services from being accessed from or delivered to the United States;</p> <p>(D) the Internet site offers services obtained in the United States; and</p> <p>(E) any prices for goods and services are indicated in the currency of the United States.</p>	<p>JURISDICTION (SOPA) The term '<i>U.S.-directed site</i>' means an Internet site or portion thereof that is used to <i>conduct business directed to residents of the United States, or that otherwise demonstrates the existence of minimum contacts sufficient</i> for the exercise of personal jurisdiction over the owner or operator of the Internet site consistent with the Constitution of the United States, based on relevant evidence that may include whether--</p> <p>(A) the Internet site is used to provide goods or services to users located in the United States;</p> <p>(B) there is evidence that the Internet site or portion thereof is intended to offer or provide- (i) such goods and services, (ii) access to such goods and services, or (iii) delivery of such goods and services, to users located in the United States;</p> <p>(C) the Internet site or portion thereof does <i>not contain reasonable measures</i> to prevent such goods and services from being obtained in or delivered to the United States; and</p> <p>(D) any prices for goods and services are indicated or billed in the currency of the United States.</p>
<p>(A) IN GENERAL(PIPA) - An operator of a non-authoritative domain name system server shall take the least burdensome technically feasible and reasonable measures designed to prevent the domain name described in the order from resolving to that domain name's Internet protocol address, except that—</p>	<p>(i) IN GENERAL (SOPA)- A service provider shall take technically feasible and reasonable measures designed to prevent access by its subscribers located within the United States to the foreign infringing site (or portion thereof) that is subject to the order, including measures designed to prevent the domain name of the foreign infringing site (or portion thereof) from resolving to that domain name's Internet Protocol address.</p> <p>Such actions shall be taken as expeditiously as possible, but in any case within 5 days after being served with a copy of the order, or within such time as the court may order. The term 'service provider' means a service provider as defined in section 512(k)(1) of title 17, United States Code, that operates a non-authoritative domain name system server.</p>

<p>(I) such operator shall not be required—</p> <p>(aa) other than as directed under this subparagraph, to modify its network, software, systems, or facilities;</p> <p>(bb) to take any measures with respect to domain name lookups not performed by its own domain name server or domain name system servers located outside the United States; or</p> <p>(cc) to continue to prevent access to a domain name to which access has been effectively disabled by other means;</p>	<p>(ii) LIMITATIONS- A service provider shall not be required--</p> <p>(I) other than as directed under this subparagraph, to modify its network, software, systems, or facilities;</p> <p>(II) to take any measures with respect to domain name resolutions not performed by its own domain name server; or</p> <p>(III) to continue to prevent access to a domain name to which access has been effectively disabled by other means.</p>
<p>(B) FINANCIAL TRANSACTION PROVIDERS (PIPA)—A financial transaction provider shall take reasonable measures, as expeditiously as reasonable, designed to prevent, prohibit, or suspend its service from completing payment transactions involving customers located within the United States and the Internet site associated with the domain name set forth in the order.</p> <p>(C) INTERNET ADVERTISING SERVICES.(PIPA) — An Internet advertising service that contracts with the Internet site associated with the domain name set forth in the order to provide advertising to or for that site, or which knowingly serves advertising to or for such site, shall take technically feasible and reasonable measures, as expeditiously as reasonable, designed to—</p> <p>(i) prevent its service from providing advertisements to the Internet site associated with such domain name; or</p> <p>(ii) cease making available advertisements for that site, or paid or sponsored search results, links or other placements that provide access to the domain name.</p>	<p>C) PAYMENT NETWORK PROVIDERS (SOPA)-A payment network provider shall take technically feasible and reasonable measures, as expeditiously as possible, but in any case within 5 days after being served with a copy of the order, or within such time as the court may order, designed to prevent, prohibit, or suspend its service from completing payment transactions involving customers located within the United States or subject to the jurisdiction of the United States and the payment account-- (I) which is used by the foreign infringing site, or portion thereof, that is subject to the order; and (II) through which the payment network provider would complete such payment transactions.</p> <p>(D) INTERNET ADVERTISING SERVICES- SOPA</p> <p>(i) REQUIRED ACTIONS- An Internet advertising service that contracts to provide advertising to or for the foreign infringing site, or portion thereof, that is subject to the order, or that knowingly serves advertising to or for such site or such portion thereof, shall take technically feasible and reasonable measures, as expeditiously as possible, but in any case within 5 days after being served with a copy of the order, or within such time as the court may order, designed to--</p> <p>(I) prevent its service from providing advertisements to or relating to the foreign infringing site that is subject to the order or a portion of such site specified in the order;</p> <p>(II) cease making available advertisements for the foreign infringing site or such portion thereof, or paid or sponsored search results, links, or other placements that provide access to such foreign infringing site or such portion thereof; and</p> <p>(III) cease providing or receiving any compensation for advertising or related services to, from, or in connection with such foreign infringing site or such portion thereof.</p>

<p>(D) INFORMATION LOCATION TOOLS (PIPA)—An information location tool shall take technically feasible and reasonable measures, as expeditiously as possible, to— (i) remove or disable access to the Internet site associated with the domain name set forth in the order; or (ii) not serve a hypertext link to such Internet site</p>	<p>(B) INTERNET SEARCH ENGINES (SOPA)- A provider of an Internet search engine shall take technically feasible and reasonable measures, as expeditiously as possible, but in any case within 5 days after being served with a copy of the order, or within such time as the court may order, designed to prevent the foreign infringing site that is subject to the order, or a portion of such site specified in the order, from being served as a direct hypertext link.</p>
<p>ENFORCEMENT OF ORDERS (PIPA).—</p> <p>(1) IN GENERAL.—In order to compel compliance with this section, the Attorney General may bring an action for injunctive relief against any party receiving a court order issued pursuant to this section that knowingly and willfully fails to comply with such order.</p> <p>(3) DEFENSE.—A defendant in an action under paragraph (1) may establish an affirmative defense by showing that the defendant does not have the technical means to comply with the subsection without incurring an unreasonable economic burden, or that the order is inconsistent with this Act. This showing shall serve as a defense only to the extent of such inability to comply or to the extent of such inconsistency.</p>	<p>ENFORCEMENT OF ORDERS (SOPA)-</p> <p>(A) IN GENERAL- To ensure compliance with orders issued pursuant to this section, the Attorney General may bring an action for injunctive relief--</p> <p>(i) against any entity served under paragraph (1) that knowingly and willfully fails to comply with the requirements of this subsection to compel such entity to comply with such requirements; or</p> <p>(ii) against any entity that knowingly and willfully provides or offers to provide a product or service designed or marketed <i>for the circumvention or bypassing</i> of measures described in paragraph (2) and taken in response to a court order issued pursuant to this subsection, to enjoin such entity from interfering with the order by continuing to provide or offer to provide such product or service.</p> <p>(C) DEFENSE- A defendant in an action under subparagraph (A)(i) may establish an affirmative defense by showing that the defendant does not have the technical means to comply with this subsection without incurring an unreasonable economic burden, or that the order is not authorized by this subsection. Such showing shall not be presumed to be a complete defense but shall serve as a defense only for those measures for which a technical limitation on compliance is demonstrated or for such portions of the order as are demonstrated to be unauthorized by this subsection.</p>