

Historic Web Blackouts Catapult SOPA into Headlines

January 19, 2012 by Jenevieve Maerker

		~	
	oogle Search	I'm Feeling Lucky	

The tide may be changing in the controversy over SOPA and PROTECT IP (or "PIPA"), the antipiracy bills that have been making their way through, respectively, the House and the Senate in recent months. Yesterday's unprecedented 24-hour global blackout of the English Wikipedia site in protest of the legislation and the new enforcement powers it would create has acted as a lightning rod for public attention. In concert with Wikipedia, Google ran a "censored" version of its logo on its home page yesterday, with <u>a plea to users to contact their legislators</u>, and many other popular sites displayed blacked-out screens together with information about the bills. Wikipedia <u>reports</u> today that SOPA was featured in a quarter-million Tweets per hour during the blackout.

Yesterday's high-profile online activism follows months of public debate about SOPA and PIPA, which critics fear could chill online speech and destabilize the architecture of the Internet. While the legislation still has many vocal supporters – the Motion Picture Association of America's chairman, former senator Chris Dodd, called the blackouts "<u>stunts that punish users</u>" – the ranks of opponents seem to be growing, and now include such strange bedfellows as the ACLU and the Tea Party. <u>Ars Technica reports</u> that 18 senators, seven of whom are former co-sponsors of PIPA, announced their opposition to the bill yesterday.

Trademark & Copyright Law Perspectives and Legal Developments in Trademarks, Copyrights, Domain Disputes, Unfair Competition and

Copyrights, Domain Disputes, Unfair Competition and More.





The White House Speaks

The White House has also expressed reservations about the bills in the past week, explaining in a statement released January 14 that, "While we believe that online piracy by foreign websites is a serious problem that requires a serious legislative response, we will not support legislation that reduces freedom of expression, increases cybersecurity risk, or undermines the dynamic, innovative global internet."

Sponsors Tone Down Enforcement Powers to Move Bills Forward

Nevertheless, the bills' lead sponsors are pressing on, albeit with some concessions to their critics. On January 13, House Judiciary Committee Chairman Lamar Smith (R-TX), a sponsor of SOPA, announced that he would remove the bill's provisions requiring ISPs to block domain names of offending sites, which had been criticized as a threat to Internet stability and security. This week, he stated that markup hearings on the amended SOPA would continue in February.

In the Senate, PIPA's lead sponsor, Sen. Patrick Leahy (D-VT) announced on January 12 that he was preparing an amendment to require that domain-name-blocking provisions be subjected to further study following passage of the bill, before they could take effect. Action on PIPA is likely to resume on January 24, when the Senate will hold a "test vote" on a motion for cloture, to lift a hold placed by Sen. Ron Wyden (D-OR) and begin debate on the bill.

Alternatives and Workarounds Spring Up

Rep. Darrell Issa (R-CA) and Sen. Wyden, the leading opponents of SOPA and PIPA, have introduced their own alternative legislation in both houses of Congress. The Online Protection & Copyrights, Domain Disputes, Unfair Competition and More.



Enforcement of Digital Trade Act (or the "OPEN Act") would give the International Trade Commission jurisdiction over challenges to allegedly infringing websites, and would target only payment processors and advertisers that support offending sites, not search results or domain name lookups.

And in another form of tech activism, the anonymous coders behind MAFIAA Fire, who originally created a browser plug-in to circumvent domain name seizures by the Department of Homeland Security, have come up with a new plug-in to address the domain-blocking measures of SOPA/PIPA. (As the MAFIAA Fire FAQs point out, such circumvention is legal at least until SOPA passes.) The MAFIAA Fire team also claims to have technical responses in the works to counteract other measures proposed in SOPA/PIPA.

© Foley Hoag LLP. All rights reserved. Attorney advertising. Prior results do not guarantee a similar outcome.