



SOPA & PIPA, Everything You Wanted to Know

Saturday, January 21, 2012 :: Staff infoZine

By **Frank Bumb** - Wikipedia shut down in protest, and the debate about copyright infringement pitted the film and recording industries against tech giants, including Google and Facebook.

Washington, D.C. - infoZine - Scripps Howard Foundation Wire - For those who remain confused about what the ruckus was – and is – about, we answer your questions about the issue and what the experts have to say about it.

Q: What are SOPA and PIPA?

A: SOPA is an acronym for the Stop Online Piracy Act. PIPA is an acronym for the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act. With slightly different language, both are intended to curtail online piracy and copyright infringement.

Q: How big is the problem of online piracy?

A: It depends on whom you ask. There are few statistics because the activity is illegal. Groups representing industries most affected by piracy claim that their losses are in the tens of billions of dollars. T.J. Ducklo, a spokesman for the Motion Picture Association of America, referred questions to its website. There, a statement by Michael O'Leary, senior executive vice president for global policy and external affairs, said, "According to the Institute for Policy Innovation, more than \$58 billion is lost to the U.S. economy annually due to content theft, including more than 373,000 lost American jobs, \$16 million in lost employees earnings, plus \$3 billion in badly needed federal, state and local governments' tax revenue."

That figure is disputed by several groups, including the Electronic Frontier Foundation. Corynne McSherry, EFF intellectual property director, said the figures pro-SOPA groups are using are based on "double and triple counting of various, supposed losses. For example, the movie industry claimed popcorn sales as lost profits because of piracy." McSherry said the motion picture industry's argument was dubious, given that it "has been posting record profits for years."

Q: How do the bills attempt to accomplish their goal?

A: First, the Department of Justice or the copyright holders would be able to seek a court order against sites that “engage in, enable, or facilitate” copyright infringement. Second, these orders would prevent advertisers, or payment companies (such as PayPal) from doing business with the sites. Third, the orders would prevent search engines (such as Google, Yahoo! or Bing) from listing the website in their search results. Finally, the court orders would force Internet service providers (such as Verizon or Time Warner) to block the website.

Q: Are these the first anti-piracy bills Congress has considered?

A: No. The Digital Millennium Copyright Act, which became law in 1998, forces a site that hosts or links to copyrighted/pirated materials to remove them once the site is notified by the copyright holder. However, there is a “safe harbor” provision that prevents companies such as Google or Facebook from being held liable for unwittingly linking to or hosting pirated content as long as companies make a good-faith effort to remove the materials when asked. Critics of the DMCA say that it does not go far enough to curtail online piracy. O’Leary, in testimony last year before the House Judiciary committee, said anti-piracy efforts under DMCA work only when websites “are legitimate and make good faith efforts to respond to our requests.” He said the law can be effective, but some websites “are not legitimate. They do not act in good faith. They do not comply with DMCA requests, because their purpose is to traffic in stolen content. And when they are based overseas, they can simply thumb their noses at U.S. law.”

Q: What effect would these bills have on me?

A: Supporters contend the bills will have no impact on legal Internet activity. Opponents contend it will make the Internet less safe, as the methods for removing affected sites will conflict with new security measures for the Domain Name System, the Internet’s phonebook. Julian Sanchez, research fellow at the libertarian CATO Institute, said average Americans engaged in “lawful, non-infringing” activity could be caught up by parts of SOPA and PIPA. “When the government seizes a drug dealer’s car, that really only impacts the drug dealer,” Sanchez said. “But when you take down an entire website, an entire domain name, to hit some unlawful content, you’re potentially hitting tons of perfectly lawful, non-infringing content.” Sanchez said online forums could have problems if users link to infringing content. “If there’s a music forum or discussion board where people are talking about music, for example, if then a person posts links to illegally acquire that particular music, the provisions of SOPA will hit that lawful content as well.”

Larry Downes, senior adjunct fellow at Tech Freedom, said the process that

ended with SOPA and PIPA was flawed from the start. "The fact is that most of the policy makers here in Washington don't have the expertise to be legislating on these matters. And from a process standpoint, they aren't bothering to listen to the people who do have the expertise. And that old way of doing business just isn't working."

Q: What are the chances these bills will pass?

A: The uproar against these bills reached a crescendo Wednesday as hundreds of websites, including Wikipedia and Reddit, took part in an Internet blackout, cutting off their usual content and directing users to statements against SOPA and PIPA. The uproar from both companies and constituents drove 18 senators, including seven cosponsors, to withdraw their support for PIPA. Rep. Lamar Smith, R-Texas, chair of the House Judiciary committee, and primary sponsor of SOPA, said he will remove one of the most controversial provisions in the bill, the DNS delisting process, when the committee considers the bill again in February. Senate Majority Leader Harry Reid said Friday that a planned vote on Tuesday has been postponed. Sanchez was quick to point out that, although the bills have been set back from their former status as a "fait accompli," they are "still very capable of returning. And they could be amended, compromised on and still be quite detrimental to the open Internet."