

November 19, 2012

Background on Domain Name Seizures

Here is some basic background on domain name seizures: [The PRO IP Act](#) – which Congress passed in 2008 – modified [section 2323 of title 18](#) of the U.S. Code to give law enforcement broad powers to seize property that is used to commit copyright infringement (By the way, anticipating abuses of these new powers, I was one of only 11 Members of the House [to vote against](#) the PRO IP Act.). While many assumed that these new powers were limited to physical property, U.S. Immigrations and Customs Enforcement (ICE) and the U.S. Department of Justice (DOJ) claimed the authority to block or redirect website URLs suspected of providing or linking to material that infringes copyright. Under “Operation in Our Sites,” ICE and DOJ have seized more than 700 websites since 2010.

While I do not support copyright infringement, these domain name seizures have resulted in the removal of websites containing lawful content – without notice or a hearing for the website owner. Two examples are the government’s seizures of the hip-hop blog Dajaz1 and the sports streaming site Rojadirecta. In both instances, the government quietly dropped its case after more than a year, once it realized that the evidence did not support a charge of copyright infringement.

Seizures such as these amount to prior restraint of free expression. They impair legitimate businesses that are unfairly targeted and discourage online entrepreneurship. I believe the First Amendment of the [U.S. Constitution](#) requires greater due process protection for website owners.

– Rep. Zoe Lofgren