

LOfgren 19

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**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3261
OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA**

Page 25, strike line 13 and all that follows through
page 28, line 5, and insert the following:

1 (1) INTERNET SITE DEDICATED TO THEFT OF
2 U.S. PROPERTY.—

3 (A) IN GENERAL.—An Internet site is an
4 “Internet site dedicated to theft of U.S. prop-
5 erty” if it is a U.S-directed site that has only
6 limited purpose or use other than, and whose
7 owner or operator uses the site willfully and
8 primarily to—

9 (i) infringe copyright under section
10 501 of title 17, United States Code;

11 (ii) violate section 1201 of title 17,
12 United States Code; or

13 (iii) use counterfeit marks in a man-
14 ner that violates section 34(d) of the
15 Lanham Act (15 U.S.C.1116(d)).

16 (B) EXCLUSIONS.—A site is not a site
17 dedicated to theft of U.S. property—

1 (i) if the site has a practice of expedi-
2 tiously removing, or disabling access to,
3 the material that is claimed to be infring-
4 ing or to be the subject of infringing activ-
5 ity after notification by the owner of the
6 rights alleged to be infringed, or the au-
7 thorized representatives of such owner;

8 (ii) by virtue of activities that, pursu-
9 ant to section 512 of title 17, United
10 States Code, would not subject the oper-
11 ator to monetary relief for infringing the
12 copyright; or

13 (iii) by virtue of the distribution of
14 copies that were made without infringing a
15 copyright or trademark.

