

S 3804

Combating Online Infringement and Counterfeits Act

Congress: 111 (2009–2011, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Sep 20, 2010

Current Status: By Senator Leahy from Committee on the Judiciary filed written report. Report No. 111-373.

Latest Action: By Senator Leahy from Committee on the Judiciary filed written report. Report No. 111-373. (Dec 17, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/senate-bill/3804>

Sponsor

Name: Sen. Leahy, Patrick J. [D-VT]

Party: Democratic • **State:** VT • **Chamber:** Senate

Cosponsors (19 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Bayh, Evan [D-IN]	D · IN		Sep 20, 2010
Sen. Durbin, Richard J. [D-IL]	D · IL		Sep 20, 2010
Sen. Feinstein, Dianne [D-CA]	D · CA		Sep 20, 2010
Sen. Hatch, Orrin G. [R-UT]	R · UT		Sep 20, 2010
Sen. Klobuchar, Amy [D-MN]	D · MN		Sep 20, 2010
Sen. Kohl, Herb [D-WI]	D · WI		Sep 20, 2010
Sen. Schumer, Charles E. [D-NY]	D · NY		Sep 20, 2010
Sen. Specter, Arlen [D-PA]	D · PA		Sep 20, 2010
Sen. Voinovich, George V. [R-OH]	R · OH		Sep 20, 2010
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Sep 20, 2010
Sen. Cardin, Benjamin L. [D-MD]	D · MD		Sep 21, 2010
Sen. Coburn, Tom [R-OK]	R · OK		Sep 21, 2010
Sen. Graham, Lindsey [R-SC]	R · SC		Sep 21, 2010
Sen. Grassley, Chuck [R-IA]	R · IA		Sep 23, 2010
Sen. Alexander, Lamar [R-TN]	R · TN		Sep 27, 2010
Sen. Gillibrand, Kirsten E. [D-NY]	D · NY		Sep 29, 2010
Sen. Menendez, Robert [D-NJ]	D · NJ		Nov 15, 2010
Sen. Inhofe, James M. [R-OK]	R · OK		Nov 18, 2010
Sen. McCaskill, Claire [D-MO]	D · MO		Dec 16, 2010

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Nov 18, 2010

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

No related bills are listed.

Combating Online Infringement and Counterfeits Act - (Sec. 2) Amends the federal criminal code to authorize the Attorney General (AG) to commence an in rem action against a domain name used by an Internet site that is "dedicated to infringing activities," even where such a domain name is not located in the United States. Defines an Internet site that is "dedicated to infringing activities" as a site that is: (1) subject to civil forfeiture; (2) designed primarily to offer goods or services in violation of federal copyright law; or (3) selling or promoting counterfeit goods or services.

Authorizes a court, upon application of the AG, to issue a temporary restraining order, preliminary injunction, or injunction against the domain name or names used by such a site.

Directs any actions against domestic domains to be in the judicial district where the domain name registrar or registry is located or, if such a domain is located or doing business in more than one judicial district, in the judicial district of its principal place of business. Allows any actions against nondomestic domains to be brought in the District of Columbia if: (1) such a domain is used within the United States to access an infringing site; (2) the site directs business to U.S. residents; and (3) the site harms U.S. intellectual property rights holders.

Requires a court determining whether a site directs business to U.S. residents to consider factors including: (1) whether goods or services are being provided to U.S. users; (2) intent; (3) prevention measures; and (4) whether any prices for such goods and services are indicated in U.S. currency.

Requires an Internet service provider, financial transaction provider, or Internet advertising service that is served with a court order in connection with an action against a nondomestic domain to take technically feasible or other specified reasonable measures to prevent such infringing activities from continuing. Grants immunity to: (1) served parties acting pursuant to a court order; and (2) certain registries, providers, and services voluntarily performing actions described in this Act.

Allows the AG to bring an action for injunctive relief against any served party that knowingly and willfully fails to comply with such court order.

Directs the AG to inform the Intellectual Property Enforcement Coordinator (IPEC) and other law enforcement agencies of court orders directed to specific domain names associated with infringing sites. Requires the IPEC and authorizes certain other entities to post such domain names on a publicly available site.

(Sec. 3) Requires the AG to: (1) publish procedures developed with relevant law enforcement agencies to receive information from the public about infringing activities; (2) provide specified guidance to intellectual property rights holders regarding investigations; and (3) establish standards, provide resources, and develop a deconfliction process with other law enforcement agencies for case management and enforcement coordination purposes.

(Sec. 4) Directs the Secretary of Commerce to study and report to Congress on the impact of this Act on the use of Domain Name System Security Extensions.

Actions Timeline

- **Dec 17, 2010:** By Senator Leahy from Committee on the Judiciary filed written report. Report No. 111-373.
- **Nov 18, 2010:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Nov 18, 2010:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Nov 18, 2010:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 648.
- **Sep 20, 2010:** Introduced in Senate
- **Sep 20, 2010:** Sponsor introductory remarks on measure. (CR S7207-7208)
- **Sep 20, 2010:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S7208-7209)