

Addressing the thorny issue of how the United States should address online infringement, lawmakers have introduced a bipartisan, bicameral proposal that would give the International Trade Commission the authority to launch investigations into digital imports, or downloads, of counterfeit goods.

The ITC can currently issue orders excluding foreign counterfeit goods from entering the country, and the draft would extend that jurisdiction to the Web.

Under the proposal, the ITC would have the authority to issue a cease-and-desist order against foreign Web sites that “primarily” and “willfully” engage in infringing U.S. copyrights or enabling imports of counterfeit goods. The commission would be able to tell U.S. companies to stop dealing with foreign companies that import counterfeit goods. Those orders would ultimately be enforceable by the U.S. attorney general.

The public would be notified of investigations, and final determinations could be appealed in a U.S. court.

Sen. Ron Wyden (D-Ore.), who helped draft the discussion document, said that the transparency and narrow scope of the ITC process make this approach preferable to those laid out in the Protect IP Act. Wyden blocked that bill after it passed the Senate Judiciary committee in July, saying that the legislation went too far.

“We would be the first to say we should handcuff the bad actors, but we have to do that without damaging the architecture of the Internet,” he said in a phone interview.

Wyden said that his office has spoken to stakeholders from the technology and content sides of the debate. He added that he hoped that by putting the discussion draft online before turning it into legislation, the group would be able to hear from those who expressed concerns about the Protect IP Act and the Stop Online Piracy Act.

In addition to Wyden, Sens. Maria Cantwell (D-Wash.), Jerry Moran (R-Kan.) and Mark Warner (D-Va.) and Reps. Jason Chaffetz (R-Utah), **John Campbell (R-Calif.)**, Lloyd Doggett (D-Texas), Anna Eshoo (D-Calif.), Darrell Issa (R-Calif.) and Zoe Lofgren (D-Calif.) have all signed on to the discussion draft.