

A bipartisan group of lawmakers is circulating a proposal that would use trade laws to battle online piracy as an alternative to the controversial bills currently pending in both chambers of Congress.

The discussion draft is authored by Sens. Maria Cantwell (D-Wash.), Jerry Moran (R-Kansas), Mark Warner (D-Va.) and Ron Wyden (D-Ore.) as well as Reps. Darrell Issa (R-Calif.), Zoe Lofgren (D-Calif.), Jason Chaffetz (R-Utah), Lloyd Doggett (D-Texas), Anna Eshoo (D-Calif.) and **John Campbell (R-Calif.)**.

The legislation offers an alternative to the approach favored by the Stop Online Piracy Act (SOPA), which would enable the government and copyright holders to demand third parties delete links to foreign websites deemed rogue or dedicated to copyright infringement. Critics argue that bill would jeopardize free speech and impose an undue burden on Web firms.

The draft proposal would instead authorize the International Trade Commission to investigate and issue cease-and-desist orders against foreign websites that provide pirated content or sell counterfeit goods. The ITC would have to find that the site is "primarily" and "willfully" engaged in copyright infringement to issue the order.

Once issued the court order would compel payment providers and online advertising services to cease providing services to the offending website. The approach comports with current copyright law and hews to the "follow the money" approach favored by Google and other tech companies.

Issa previously told Hillicon that an advantage of designating a court of continued jurisdiction is that it facilitates immediate action to prevent harm to rightsholders, particularly helpful in online copyright enforcement where dozens of mirror sites with the same pirated content can spring up at once.

The proposal would also provide firms that comply with the ITC's orders with immunity. The lawmakers intend to make a draft of their legislation public in the near future to solicit feedback and input before formally introducing the legislation in the House and Senate.

The legislation is intended as an alternative to measures backed by other business groups and the entertainment industry.