

October 21, 2010

The Honorable Patrick Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Leahy:

The undersigned business organizations and companies applaud you for introducing S.3804, the “Combating Online Infringement and Counterfeits Act,” and appreciate the priority you have placed on moving this legislation through the Senate. We urge you to continue to work with stakeholders to improve the bill and push for its enactment during the time remaining in the 111th Congress.

We are also very grateful to the growing bipartisan list of Senators who have cosponsored this legislation to combat the use of the Internet as a platform to sell counterfeit goods and facilitate the digital theft of copyrighted works.

Rogue websites – many of which are hosted outside of the U.S. – have become increasingly sophisticated in both design and operation, and often deceive consumers into believing they are legitimate. These sites not only undermine the growth and stability of many industries and the American jobs that they support, but represent a severe health and safety risk to consumers who unwittingly purchase hazardous products. We believe that the tools S. 3804 would provide are essential to helping address these illegal websites and ensuring that the Internet is a safe and vibrant marketplace.

Some have suggested that taking action against criminals whose products can kill and whose illicit profits steal American jobs could embolden foreign governments to target Internet sites that engage in political speech. Unfortunately, some foreign countries have engaged in political censorship long before this bill was introduced and they will continue to do so regardless of whether this legislation is enacted. That does not mean, however, that the United States should be powerless to take action against the worst of the worst counterfeiters and copyright pirates online. In fact, the 153 WTO member countries have all agreed in a binding international instrument to take action against counterfeiting and piracy on a commercial scale. This legislation simply advances that goal, and should in no way be used by other countries as a pretext to support censorship that takes place outside agreed upon principles of international law. We commend you for your efforts to carefully craft S. 3804 to adhere to constitutional requirements that protect free speech and provide appropriate due process for all affected parties.

We thank you again for your tireless efforts to protect workers, businesses and consumers, and look forward to continuing to work with you and your Senate colleagues to enact strong legislation aimed at addressing rogue websites.

Sincerely,

1-800-PetMeds
Activision
Acushnet Golf
Association of American Publishers
Cable and Satellite Broadcasting Association of Asia (CASBAA)
Chanel
Church Music Publishers' Association
Copyright Alliance
Disney
EMI
Entertainment Software Association
Fashion Business Inc.
Fortune Brands
Guru Denim, Inc.
Imaging Supplies Coalition
Johnson and Johnson
LVMH Moet Hennessy Louis Vuitton
Major League Baseball
Merck
Motion Picture Association of America
NagraStar
Nagravision
National Music Publisher's Association
NBC Universal
Nervous Tattoo Inc., dba Ed Hardy
Newscorp
Nike
Oakley
OpSec Security
Premier League
Recording Industry Association of America
Sony Music Entertainment
Sports Rights Owners Coalition
STOP Streaming Group
Tiffany and Co.
Time Warner
True Religion Apparel, Inc.
Ultimate Fighting Championship
Underwriters Laboratory
Universal Music Group
U.S. Chamber of Commerce
Viacom
Warner Music Group
Xerox

Cc: The Members of the United States Senate