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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend title 17, United States Code, to establish procedures for blocking access to foreign online locations engaged in copyright piracy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ISSA introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title 17, United States Code, to establish procedures for blocking access to foreign online locations engaged in copyright piracy, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Copyright
5 Protection Act of 2026”.

6 **SEC. 2. BLOCKING FOREIGN PIRACY SITES.**

7 (a) AMENDMENT.—

1 (1) IN GENERAL.—Title 17, United States
2 Code, is amended by adding at the end the fol-
3 lowing:

4 **“CHAPTER 16—FOREIGN PIRACY SITE**
5 **BLOCKING**

“CHAPTER 16—FOREIGN PIRACY SITE BLOCKING

- “1601. Definitions.
- “1602. Judicial determination of foreign piracy sites.
- “1603. Motion to rescind by operator of an accused online service.
- “1604. Petitions for judicial order blocking foreign piracy site.
- “1605. Enforcement of judicial order blocking foreign piracy site.
- “1606. Motions with respect to judicial order blocking foreign piracy site.
- “1607. Venue.
- “1608. Miscellaneous provisions.
- “1609. Cost reimbursement.
- “1610. Protections from liability.
- “1611. Relation to other statutes and rules of construction.

6 **“§ 1601. Definitions**

7 “In this chapter:

8 “(1) ACCUSED ONLINE SERVICE.—The term
9 ‘accused online service’ means a foreign online loca-
10 tion that is identified and alleged to be a foreign pi-
11 racy site in an action under section 1602(a).

12 “(2) COPYRIGHT OWNER.—The term ‘copyright
13 owner’ means an owner or exclusive licensee of an
14 exclusive right described in section 106.

15 “(3) FOREIGN PIRACY SITE.—The term ‘foreign
16 piracy site’ means a foreign online location that a
17 district court of the United States has determined to
18 be a foreign piracy site in a declaration under sec-
19 tion 1602(b).

1 “(4) NAMED SERVICE PROVIDER.—The term
2 ‘named service provider’ means a service provider
3 that is identified in an order issued under section
4 1604(d).

5 “(5) FOREIGN ONLINE LOCATION.—The term
6 ‘foreign online location’ means a website or uniquely
7 identifiable online location that is—

8 “(A) accessible to the public;

9 “(B) operated by an individual or entity lo-
10 cated outside the United States (or the location
11 of which cannot be determined to be within the
12 United States following a reasonable investiga-
13 tion); and

14 “(C) identifiable by 1 or more Internet
15 Protocol addresses, fully qualified domains, or
16 other similar online identifiers.

17 “(6) SERVICE PROVIDER.—

18 “(A) IN GENERAL.—The term ‘service pro-
19 vider’ means an entity offering the trans-
20 mission, routing, or providing of connections for
21 digital online communications, between or
22 among points specified by a user, of material of
23 the user’s choosing, without modification to the
24 content of the material as sent or received.

1 “(B) INCLUSIONS.—The term ‘service pro-
2 vider’ includes providers of broadband internet
3 access services, providers of domain name reso-
4 lution services, and virtual private networks,
5 but excludes root nameserver operators and top
6 level domain registries.

7 “(C) EXCLUSIONS.—The term ‘service pro-
8 vider’ excludes—

9 “(i) any entity that provides services
10 to fewer than 100,000 monthly users or
11 subscribers in the United States; and

12 “(ii) any premises operator that ac-
13 quires internet services from another entity
14 to enable patrons or employees to access
15 the internet while on the premises of the
16 premises operator’s establishment, such as
17 an airport, carrier, library, university, res-
18 taurant, retail store, or other such business
19 or organization.

20 “(7) TIME-SENSITIVE EVENT.—The term ‘time-
21 sensitive event’ means a work that is first publicly
22 distributed, performed, or displayed contempora-
23 neously with, or not more than 24 hours after, the
24 first authorized public performance to a general au-

1 dience or distribution to the public of the work in
2 the United States.

3 **“§ 1602. Judicial determination of foreign piracy sites**

4 “(a) RIGHT OF ACTION.—A copyright owner may
5 bring an action in a district court of the United States,
6 subject to section 1607, for a declaration that an accused
7 online service is a foreign piracy site.

8 “(b) REQUIREMENTS FOR DECLARATION.—In an ac-
9 tion under subsection (a), the court shall issue a declara-
10 tion, with accompanying findings, that the accused online
11 location is a foreign piracy site if the copyright owner
12 shows by a preponderance of the evidence that—

13 “(1) the operator of the accused online location
14 is violating or will violate an exclusive right or pro-
15 tection afforded the copyright owner under this title
16 due to material accessible at the accused online loca-
17 tion;

18 “(2) the copyright owner provided, or made
19 good faith efforts to provide, notice of the infringe-
20 ment to—

21 “(A) the operator of the accused online
22 service; and

23 “(B) the domain name registrar of the ac-
24 cused online service;

1 “(3) the copyright owner has been injured or
2 will be injured by the violation;

3 “(4) the operator of the accused online service
4 is outside of the United States, or could not be lo-
5 cated within the United States following a reason-
6 able investigation; and

7 “(5) the accused online service—

8 “(A) is primarily designed or provided for
9 the purpose of providing access to material that
10 violates an exclusive right or protection afforded
11 under this title;

12 “(B) has only limited commercially signifi-
13 cant purpose or use other than providing access
14 to material that violates an exclusive right or
15 protection afforded under this title; or

16 “(C) is marketed by or at the direction of
17 the operator of the accused online service to
18 promote the use of the foreign online service in
19 committing a violation of an exclusive right or
20 protection afforded under this title.

21 “(c) SPECIAL MASTER.—In an action under sub-
22 section (a), the court may appoint a special master under
23 Rule 53 of the Federal Rules of Civil Procedure to assist
24 the court in ensuring that the copyright owner has met
25 its burden under subsection (b).

1 **“§ 1603. Motion to rescind by operator of an accused**
2 **online service**

3 “(a) MOTION TO RESCIND DECLARATION OR BLOCK-
4 ING ORDER.—At any time while an action under section
5 1602(a) is pending, or an order under section 1604(d) is
6 in force, the operator of the accused online service may
7 move the court to rescind a declaration issued under sec-
8 tion 1602(b) or an order issued under section 1604(d).

9 “(b) REQUIREMENTS FOR RESCISSION.—The court
10 shall grant the motion to rescind the declaration or order
11 if the operator of the accused online service—

12 “(1) concurrently with its motion—

13 “(A) submits to the jurisdiction of the
14 court for all claims arising from or related to
15 the alleged violative activity at the foreign on-
16 line location;

17 “(B) waives all objections with respect to
18 jurisdiction, venue, service of process, and
19 forum non conveniens, except for purposes of a
20 motion to transfer under sections 1404(a),
21 1406(a), or 1631 of title 28;

22 “(C) posts a bond in an amount deter-
23 mined by the court to be sufficient to ensure
24 compliance with any judgment of the court re-
25 lated to the alleged violative activity at the for-
26 eign online location; and

1 “(D) is in compliance with any other order
2 of the court to cease the violative activity; or

3 “(2) demonstrates that a preponderance of the
4 evidence does not support the findings of the court
5 under section 1602(b).

6 “(c) LEAVE TO ASSERT COPYRIGHT INFRINGE-
7 MENT.—If a court grants the motion under subsection (b),
8 the court shall grant leave for the copyright owner to
9 amend its pleadings to add at least 1 claim of a violation
10 under this title.

11 “(d) STAY OF DECLARATION OR BLOCKING
12 ORDER.—The court, at its discretion and upon motion
13 filed by the operator of the accused online service, may
14 stay a declaration under section 1602(b) or an order
15 issued under section 1604(d) while a motion under sub-
16 section (a) of this section is pending before the court.

17 **“§ 1604. Petitions for judicial order blocking foreign**
18 **piracy site**

19 “(a) PETITION FOR BLOCKING ORDER.—In an action
20 where a court has issued a declaration under section
21 1602(b), and the court has not rescinded the declaration
22 under section 1603(b), the copyright owner may petition
23 the court for an order enjoining each service provider
24 named in the order consistent with subsection (d) of this
25 section.

1 “(b) REQUIREMENTS FOR PETITION.—In a petition
2 under subsection (a), the copyright owner shall—

3 “(1) name all service providers that the copy-
4 right owner reasonably believes must be included to,
5 in the aggregate, effectively reduce access to the for-
6 eign piracy site from the United States by a com-
7 mercially significant amount; and

8 “(2) certify that the copyright owner—

9 “(A) provided a copy of the petition and
10 the declaration of the court of the foreign pi-
11 racy site to each named service provider;

12 “(B) informed each named service provider
13 about its ability to contest its inclusion in any
14 order under this section; and

15 “(C) filed a notice of the action at the
16 United States Copyright Office, to be published
17 in the Federal Register.

18 “(c) DEADLINE FOR SERVICE PROVIDER RE-
19 SPONSE.—Subject to section 1608(a), the court shall set
20 a date, not less than 14 days after the filing of the peti-
21 tion, before which a named service provider may enter an
22 appearance and respond to the petition, and no order on
23 the petition may be issued before that date.

24 “(d) ISSUANCE OF BLOCKING ORDER.—Upon a de-
25 termination by the court that the copyright owner has sat-

1 isfied the requirements of subsection (b), the court shall
2 issue an order that—

3 “(1) identifies the foreign piracy site that is the
4 subject of the order;

5 “(2) names each service provider that is subject
6 to the order, subject to subsection (f);

7 “(3) requires each named service provider to
8 take all commercially reasonable steps to prevent
9 users or subscribers from using its systems or net-
10 works to access the foreign piracy site from the
11 United States;

12 “(4) sets a date by which each named service
13 provider is required to implement the order that is
14 not less than 14 days and no more than 30 days
15 after the service provider receives notice of the
16 order, subject to section 1608(a);

17 “(5) sets a date on which the order will expire
18 that is not later than necessary to address the in-
19 fringement, and not later than 12 months after
20 issuance of the order; and

21 “(6) requires the copyright owner to post a
22 bond in an amount determined by the court to be
23 sufficient to pay the costs and damages sustained by
24 any service provider found to have been wrongfully
25 enjoined.

1 “(e) DUTIES OF COPYRIGHT OWNER.—When an
2 order under subsection (d) is issued, the copyright owner
3 shall—

4 “(1) provide, or make a good faith effort to
5 provide, a copy of the order to each named service
6 provider and the operator of the foreign piracy site,
7 to the extent the court does not do so;

8 “(2) file with the Register of Copyrights a copy
9 of the order, and notify the Register if the order is
10 modified, expired, rescinded, or terminated within 10
11 days of the modification, expiration, rescission, or
12 termination; and

13 “(3) make reasonable efforts to—

14 “(A) periodically monitor the foreign pi-
15 racy site;

16 “(B) verify the continuing accuracy of the
17 information submitted by the copyright owner
18 on which the foreign piracy site declaration was
19 based, including, where applicable, domain
20 names, internet protocol addresses, and uniform
21 resource locators; and

22 “(C) notify the court and all named service
23 providers of any material change to the infor-
24 mation as soon as reasonably practicable after
25 becoming aware of the change.

1 “(f) LIMITATIONS AND ENTITLEMENTS.—

2 “(1) LIMITATIONS ON NAMING SERVICE PRO-
3 VIDERS.—The court may not name a service pro-
4 vider in an order under subsection (d) unless—

5 “(A) the service provider was named in the
6 petition under subsection (a); and

7 “(B)(i) the service provider consents to its
8 inclusion in the order; or

9 “(ii) The court determines that the
10 following factors, when the totality of the
11 circumstances is considered, weigh in favor
12 of including the service provider:

13 “(I) The burden on the service
14 provider or the operation of its sys-
15 tems or networks to implement the
16 order.

17 “(II) The technical feasibility
18 and efficacy of the service provider
19 implementing the order.

20 “(III) The harm likely to be suf-
21 fered by the copyright owner if the
22 service provider is not included in the
23 order,

24 “(IV) The potential for incidental
25 harm or interference with online serv-

1 ices, or users of online services, other
2 than the foreign piracy site.

3 “(V) Whether including the serv-
4 ice provider in the order is likely to
5 impede access by users and sub-
6 scribers in the United States to in-
7 fringing material on the foreign piracy
8 site as compared to not including the
9 service provider in the order.

10 “(VI) Any benefit or harm to the
11 public in the United States from in-
12 cluding the service provider.

13 “(2) OTHER LIMITATIONS.—Except as ex-
14 pressly set forth in this chapter, an order under sec-
15 tion 1604(d) may not—

16 “(A) prescribe, recommend, or require spe-
17 cific methods, techniques, equipment, or other
18 specific technical measures or actions to imple-
19 ment the order, or be construed to do so; or

20 “(B) restrict, regulate, or bar the use of
21 specific methods, techniques, equipment, or
22 other specific technical measures or actions cho-
23 sen by a service provider to implement the
24 order, or be construed to do so.

1 “(3) ENTITLEMENTS.—A service provider
2 named in an order issued under section 1604(d)—

3 “(A) shall be entitled to rely on the accu-
4 racy of the information presented in the order,
5 the declaration under 1602(b), and any other
6 information provided by the copyright owner to
7 the court in an action under section 1602(a),
8 and shall not have any duty or obligation to in-
9 vestigate or verify said information; and

10 “(B) shall be entitled to provide informa-
11 tion to its users, subscribers, employees, inves-
12 tors, or the public about the order, but shall not
13 be required or obligated to do so, and may not
14 be held liable for failing to do so.

15 **“§ 1605. Enforcement of judicial order blocking for-**
16 **eign piracy site**

17 “(a) CONTEMPT MOTION.—A copyright owner may
18 file a motion with the court that issued an order under
19 section 1604(d) with respect to the copyright owner, seek-
20 ing an order pursuant to the inherent civil contempt pow-
21 ers of the court to compel compliance with the order by
22 a service provider named in the order, subject to the provi-
23 sions of this chapter.

24 “(b) EXEMPTIONS.—A named service provider shall
25 not be deemed to be in violation of an order under section

1 1604(d), or otherwise subject to enforcement of the order,
2 if—

3 “(1) the conduct of the named service provider
4 constituted good faith efforts to implement the
5 order; or

6 “(2) the named service provider temporarily de-
7 layed or suspended implementation of the order
8 when reasonably necessary at that time, and for no
9 longer than necessary, and where the delay or sus-
10 pension was reasonable in scope and timing consid-
11 ering any notification by the copyright owner of a
12 time-sensitive event, to—

13 “(A) correct or investigate restricting ac-
14 cess to an online service other than the foreign
15 piracy site;

16 “(B) maintain, repair, update, or upgrade
17 the integrity or quality of its network, systems,
18 or operations;

19 “(C) prevent or respond to an actual or
20 potential security threat to its network, sys-
21 tems, or operations; or

22 “(D) comply with law enforcement re-
23 quests or other court orders.

1 **“§ 1606. Motions with respect to judicial order block-**
2 **ing foreign piracy site**

3 “(a) MOTION BY COPYRIGHT OWNER TO TERMINATE
4 ORDER.—

5 “(1) IN GENERAL.—A copyright owner may file
6 a motion with the court that issued an order under
7 section 1604(d) with respect to the copyright owner,
8 requesting termination of the order.

9 “(2) GRANT.—The court shall grant the mo-
10 tion.

11 “(3) NOTICE.—The copyright owner shall pro-
12 vide, or make a good faith effort to provide, notice
13 of the termination to each named service provider,
14 the operator of the foreign piracy site, and the Reg-
15 ister of Copyrights, to the extent the court does not
16 do so.

17 “(b) MOTION BY COPYRIGHT OWNER TO EXTEND
18 ORDER.—A copyright owner may file a motion with the
19 court that issued an order under section 1604(d) with re-
20 spect to the copyright owner, requesting that the term of
21 the order be extended by up to, but not more than, an
22 additional 12 months, subject to subsequent renewal pur-
23 suant to the process described in this subsection.

24 “(1) REQUIREMENTS.—The court may grant
25 the motion if—

1 “(A) the order has not expired and will not
2 expire for at least 60 days from the date the
3 motion is filed;

4 “(B) in the motion, the copyright owner
5 certified that it provided, or made a good faith
6 effort to provide, a copy of the motion to each
7 named service provider and the operator of the
8 foreign piracy site;

9 “(C) at least 30 days has elapsed since the
10 motion was filed to provide an opportunity for
11 the named service providers and the operator of
12 the foreign piracy site to respond;

13 “(D) the copyright owner shows that, if
14 the order is not extended—

15 “(i) the operator of the foreign piracy
16 site is likely to violate an exclusive right or
17 protection afforded the copyright owner
18 under this title due to material accessible
19 on the foreign piracy site;

20 “(ii) the violation would injure the
21 copyright owner; and

22 “(iii) the requested extension is rea-
23 sonable and proportionate to the likelihood
24 of injury; and

1 “(E) the copyright owner certifies that it
2 will continue to adhere to its obligations under
3 the order and under section 1604(e).

4 “(2) ADDITIONAL MATTERS WHEN MOTIONS
5 GRANTED.—If the court grants the motion to ex-
6 tend—

7 “(A) except as ordered by the court, all
8 other terms of the original order shall remain in
9 force; and

10 “(B) the copyright owner shall provide, or
11 make a good faith effort to provide, notice of
12 the new term of the order of the court to each
13 named service provider, the operator of the for-
14 eign piracy site, and the Register of Copyrights,
15 to the extent the court does not do so.

16 “(c) MOTION BY COPYRIGHT OWNER TO ADD OR RE-
17 MOVE SERVICE PROVIDERS.—

18 “(1) IN GENERAL.—A copyright owner may file
19 a motion with the court that issued an order under
20 section 1604(d) with respect to the copyright owner,
21 requesting that the order be modified to name 1 or
22 more additional service providers to be subject to the
23 order, or to remove 1 or more named service pro-
24 viders from the order.

1 “(2) REQUIREMENTS FOR ADDING ADDITIONAL
2 PROVIDER.—Subject to section 1604(f)(1), the court
3 shall grant the motion to add an additional service
4 provider if—

5 “(A) in the motion, the copyright owner
6 made the certifications required under section
7 1604(b)(2)(A) and (B) with respect to the addi-
8 tional service provider, and certified that it pro-
9 vided a copy of its motion to the additional
10 service provider; and

11 “(B) at least 14 days has elapsed since the
12 motion was filed to provide an opportunity for
13 the additional service provider to appear and re-
14 spond.

15 “(3) REQUIREMENTS FOR REMOVING NAMED
16 SERVICE PROVIDER.—The court shall grant the mo-
17 tion to remove a named service provider if the copy-
18 right owner certifies that it provided a copy of its
19 motion to the service provider, and that it will pro-
20 vide a copy of the order of the court granting the
21 motion to the service provider within 10 days of
22 issuance.

23 “(d) MOTION BY SERVICE PROVIDER FOR RE-
24 MOVAL.—

1 “(1) IN GENERAL.—A service provider named
2 in an order under section 1604(d) may file a motion
3 with the court that issued the order, requesting that
4 the order be modified to remove the service provider
5 from the order.

6 “(2) REQUIREMENTS.—The court may grant
7 the motion if—

8 “(A) at least 14 days has elapsed since the
9 motion was filed to provide an opportunity for
10 the copyright owner to respond; and

11 “(B) the service provider shows that a ma-
12 terial change in circumstances relating to the
13 limitations set forth in section 1604(f)(1) justi-
14 fies removal of the service provider from the
15 order.

16 “(3) WAITING PERIOD.—If the court grants the
17 motion, the copyright owner may not file a motion
18 under subsection (c) to modify the order to again
19 add the same service provider to the order for at
20 least 6 months.

21 “(e) MOTION TO MODIFY ORDER TO CURE DE-
22 FECT.—

23 “(1) IN GENERAL.—A copyright owner or
24 named service provider may file a motion with the
25 court that issued an order under section 1604(d)

1 with respect to the copyright owner, requesting that
2 the order be modified to cure a defect in the oper-
3 ation of the order.

4 “(2) REQUIREMENTS.—The court shall grant
5 the motion if—

6 “(A) based on available information, the
7 identification of the foreign piracy site is no
8 longer accurate or complete, or otherwise inter-
9 feres with implementation of the order;

10 “(B) the modification would cure the de-
11 fect, including that the same foreign piracy site
12 would be correctly and accurately identified;

13 “(C) in the motion, the movant certified
14 that it provided, or made a good faith effort to
15 provide, a copy of the motion to each named
16 service provider, and the operator of the foreign
17 piracy site; and

18 “(D) subject to subsections (a) and (d) of
19 section 1608, at least 14 days has elapsed since
20 the motion was filed to provide an opportunity
21 for the named service providers and operator of
22 the foreign piracy site to respond.

23 “(3) COURT-INITIATED ACTION.—A court may
24 issue an order sua sponte modifying its prior order

1 under section 1604(d) to cure a defect in the oper-
2 ation of the prior order if—

3 “(A) the court finds that subparagraphs
4 (A) and (B) of paragraph (2) are satisfied;

5 “(B) the court provides notice to the copy-
6 right owner and each named service provider of
7 its order under this paragraph; and

8 “(C) subject to subsections (a) and (d) of
9 section 1608, the order under this paragraph is
10 held in abeyance for at least 14 days after the
11 notice in subparagraph (B) of this paragraph to
12 provide an opportunity for the copyright owner
13 and named service providers to respond.

14 “(4) DEADLINES.—The court shall set appro-
15 priate deadlines, where applicable, to implement any
16 modification ordered under this subsection.

17 “(f) MOTION BY THIRD PARTY TO MODIFY
18 ORDER.—

19 “(1) IN GENERAL.—An operator or user of a
20 third party online service may file a motion with the
21 court that issued an order under section 1604(b), re-
22 questing that the order be modified to cure a defect
23 in the operation of the order.

24 “(2) REQUIREMENTS.—The court shall grant
25 the motion if—

1 “(A) the movant enters an appearance be-
2 fore the court and submits to the court’s juris-
3 diction for purposes of the motion;

4 “(B) in its motion, the movant certified
5 that it provided a copy of its motion to the
6 copyright owner and each relevant named serv-
7 ice provider;

8 “(C) at least 14 days has elapsed since the
9 motion was filed to provide an opportunity for
10 the copyright owner and named service pro-
11 viders to respond;

12 “(D) the movant certifies—

13 “(i) the movant is the operator or a
14 user of the third party online service;

15 “(ii) the movant is not the operator of
16 the foreign piracy site, and is not affiliated
17 with the foreign piracy site or its operator;

18 “(iii) the third party online service is
19 not the foreign piracy site and is not affili-
20 ated with the foreign piracy site; and

21 “(iv) the third party online service has
22 not been determined to be a foreign piracy
23 site under this chapter in any other pro-
24 ceeding; and

25 “(E) the movant shows—

1 “(i) the order has caused access to the
2 third party online service from the United
3 States to be restricted for users or sub-
4 sscribers of at least 1 service provider
5 named in the order;

6 “(ii) the movant has suffered an in-
7 jury in fact by the restriction in access to
8 the third party online service; and

9 “(iii) the modification is necessary to
10 restore access to the third party online
11 service.

12 “(3) PRESERVING THE ORDER.—The court
13 shall consider any alternative modification presented
14 that would comparably restore access to the third
15 party online service, but would be less disruptive to
16 the implementation of the order.

17 “(4) ADDITIONAL MATTERS RELATED TO
18 GRANT OF MOTION.—If the court grants the motion
19 to modify—

20 “(A) except as ordered by the court, all
21 other terms of the original order shall remain in
22 force; and

23 “(B) the copyright owner shall provide, or
24 make a good faith effort to provide, a copy of
25 the court’s order granting the motion to each

1 named service provider, the operator of the for-
2 eign piracy site, and the Register of Copyrights,
3 to the extent the court does not do so.

4 “(5) DEADLINES.—The court shall set appro-
5 priate deadlines, where applicable, to implement any
6 modification ordered under this subsection.

7 “(6) COMPENSATION.—If the court grants the
8 motion to modify, the movant may request, and the
9 court may award to the movant, a monetary award
10 to be paid by the copyright owner sufficient to com-
11 pensate the movant for any proven injury and costs
12 for the motion, except that—

13 “(A) the monetary award may not exceed
14 \$250,000; and

15 “(B) the movant must show that the copy-
16 right owner caused an error that resulted in the
17 injury to the movant.

18 **“§ 1607. Venue**

19 “(a) LIMITATIONS ON VENUE.—An action under this
20 chapter may only be filed in a district court of the United
21 States designated under this section by the Judicial Con-
22 ference of the United States.

23 “(b) DESIGNATION OF DISTRICT COURTS.—The Ju-
24 dicial Conference of the United States shall designate dis-

1 triet courts, and maintain a list of designated district
2 courts, according to the following:

3 “(1) The Judicial Conference shall determine
4 every 5 years the number of United States district
5 judges necessary to adjudicate all cases arising
6 under this chapter.

7 “(2) The Judicial Conference shall maintain a
8 list of district judges that meets or exceeds the most
9 recent determination under paragraph (1).

10 “(3) The list under paragraph (2) shall include
11 at least 1 district judge from each regional judicial
12 circuit except the District of Columbia Circuit.

13 “(4) The list under paragraph (2) shall include
14 all district judges who request to be included on the
15 list, as well as additional judges designated by the
16 Judicial Conference as necessary.

17 “(5) The list of designated district courts under
18 this subsection shall comprise the district courts on
19 which the judges on the list under paragraph (2)
20 serve.

21 “(c) PUBLIC ACCESSIBILITY.—The list of designated
22 courts under subsection (b) and the list of designated
23 judges under subsection (b)(2) shall be publicly accessible
24 on a website maintained by the Administrative Office of
25 the United States Courts.

1 “(d) ASSIGNMENT OF CASES.—

2 “(1) IN GENERAL.—If an action under this
3 chapter is filed in a district court that has been des-
4 igned under this section, the case shall be ran-
5 domly assigned to a judge of that court who is on
6 the list of designated judges under subsection (b)(2).

7 “(2) TRANSFER.—If an action under this chap-
8 ter is filed in a district court that has not been des-
9 igned under this section, the case shall be trans-
10 ferred to the designated judicial district within the
11 same judicial circuit that is geographically closest,
12 and assigned to a judge on the list of designated
13 judges under subsection (b)(2).

14 **“§ 1608. Miscellaneous provisions**

15 “(a) DISCRETION OF THE COURT TO MODIFY DEAD-
16 LINES.—Notwithstanding any provision of this chapter,
17 the court in an action under section 1602(a) shall have
18 the discretion to modify any deadline or time period speci-
19 fied in this chapter, if it finds good cause for the modifica-
20 tion and the modification is consistent with due process,
21 including to address time-sensitive events.

22 “(b) CONTINUING JURISDICTION.—In any action
23 under section 1602(a) in which an order was issued under
24 section 1604(d), the court that issued the order shall re-

tain jurisdiction over any proceedings under sections 1605 and 1606.

“(c) ELECTRONIC COPIES AND NOTICE.—Except as directed by a court, any requirement in this chapter to provide documents, copies of documents, notices, or notifications may be done electronically.

“(d) EMERGENCY RELIEF.—A court in an action filed under section 1602(a) may grant temporary emergency relief only in the form of a temporary restraining order, consistent with Rule 65(b) of the Federal Rules of Civil procedure, which may only provide a remedy on a temporary emergency basis that is otherwise expressly set forth in this chapter, and only when the court determines that its discretion under subsection (a) is insufficient, including to address time-sensitive events.

“(e) REAL PARTIES IN INTEREST.—Any real party in interest who controls or directs a copyright owner in initiating or engaging in a proceeding under this chapter, and all agents controlled or directed by the copyright owner, shall be bound by the same limitations set forth in this chapter as the copyright owner.

“(f) PUBLIC REGISTRY AT THE COPYRIGHT OFFICE.—The Register of Copyrights shall maintain a public registry of all orders issued by any court under section

1 1604(d) that have not expired and have not been termi-
2 nated, and—

3 “(1) the registry shall be made publicly acces-
4 sible on a website provided by the Register;

5 “(2) no service provider shall have a duty to
6 monitor the registry, or to implement any order on
7 the registry in which the service provider is not
8 named; and

9 “(g) RULE OF CONSTRUCTION.—Nothing in this
10 chapter shall be construed as authorizing the Register to
11 exercise any regulatory authority or powers, or imposing
12 any duty or responsibility other than as expressly set forth
13 in this section, with respect to matters arising under this
14 chapter.

15 **“§ 1609. Cost reimbursement**

16 “(a) MOTION FOR REIMBURSEMENT.—A service pro-
17 vider named in an order under section 1604(d) may file
18 a motion with the court that issued the order, requesting
19 reimbursement by the copyright owner for certain costs
20 incurred to implement the order.

21 “(b) DETAILED ACCOUNTING REQUIRED.—Concur-
22 rent with its motion, the named service provider shall pro-
23 vide the court and the copyright owner with a detailed ac-
24 counting of the costs for which the named service provider

1 seeks reimbursement, and certify that the information pre-
2 sented is accurate.

3 “(c) REQUIREMENTS.—To determine whether the
4 named service provider has established incurred costs eli-
5 gible for reimbursement, the court shall consider the fol-
6 lowing:

7 “(1) The reimbursement awarded may include
8 any commercially reasonable cost actually and di-
9 rectly incurred by the named service provider to im-
10 plement the order, including portions of overhead
11 costs directly incurred specifically to implement the
12 order, such as portions of salary costs for specialized
13 personnel directly attributable to time spent on im-
14 plementing the specific order at issue and not other
15 orders or other tasks.

16 “(2) The reimbursement awarded may not in-
17 clude any projected or future cost, depreciation, or
18 other cost not actually and directly incurred already
19 by the named service provider, or any commercially
20 unreasonable cost.

21 “(3) The reimbursement awarded may not in-
22 clude any systemic, general, overhead, or infrastruc-
23 ture-related costs that relate to the operations of the
24 named service provider generally and not specifically
25 to implementing the order at issue, including over-

1 head costs for general employees and business units
2 such as human resources, general utility costs, costs
3 for employee benefits, capital expenditures for gen-
4 erally-applicable upgrades or maintenance to the sys-
5 tems and networks of the named service provider,
6 legal fees, insurance costs, or taxes.

7 “(4) The reimbursement awarded may not in-
8 clude any costs dating more than 90 days prior to
9 the filing of the motion.

10 “(d) ORDER.—If the court determines that the
11 named service provider has established incurred costs eli-
12 gible for reimbursement, the court shall issue an order re-
13 quiring the copyright owner to provide the reimbursement
14 to the named service provider within a time period set by
15 the court, except that the court may reduce the reimburse-
16 ment to prevent imposing an undue burden on the copy-
17 right owner considering the resources of the copyright
18 owner.

19 **“§ 1610. Protections from liability**

20 “(a) PROTECTIONS FROM LIABILITY FOR ALL
21 NAMED SERVICE PROVIDERS.—All service providers
22 named in an order under section 1604(d) shall not be lia-
23 ble for any injury alleged by a user of the system or net-
24 work of the service provider, the petitioner that sought the
25 order issued under 1604(d), the operator, or a user of the

1 foreign piracy site, or any other third party or govern-
2 mental authority to have resulted from an action taken,
3 or not taken, in good faith by the service provider—

4 “(1) to implement the order; or

5 “(2) in reliance on information described in sec-
6 tion 1604(f)(3)(A).

7 “(b) LIMITATIONS ON MONETARY RELIEF.—A serv-
8 ice provider, whether or not named in an order issued
9 under section 1604(d), shall not be liable for monetary
10 relief for any claim of direct or secondary infringement
11 of copyright arising from the service provider having pro-
12 vided or enabled, or continuing to provide or enable, access
13 to a foreign piracy site, unless the service provider acted
14 or is acting in active concert with the foreign piracy site
15 to infringe the exclusive rights of any copyright owner.

16 “(c) LIMITATIONS ON INJUNCTIVE AND EQUITABLE
17 RELIEF.—A copyright owner only shall obtain injunctive
18 or other equitable relief in the form of an order requiring
19 a service provider to block access to a foreign online loca-
20 tion—

21 “(1) as provided in section 512(j)(1)(B)(ii), or

22 “(2) in the case of a foreign online location des-
23 igned as a foreign piracy site under section
24 1602(b), as provided in section 1604.

1 **“§ 1611. Relation to other statutes and rules of con-**
2 **struction**

3 “(a) ADMISSIBILITY IN OTHER PROCEEDINGS.—Ex-
4 cept as necessary to enforce an order issued by a court
5 pursuant to sections 1602 and 1604, the following shall
6 not be admissible as evidence in any case or proceeding
7 brought by any party in any court, for any purpose, in-
8 cluding in support of a claim that any service provider
9 has engaged in direct or secondary copyright infringement:

10 “(1) This chapter and the record of any pro-
11 ceeding under this chapter, including all orders, de-
12 cisions, or determinations issued by a court in any
13 proceeding brought under this chapter, all submis-
14 sions to the court in any such proceeding, and the
15 existence of any such proceeding or orders in any
16 such proceeding regardless of any subsequent termi-
17 nation, expiration, rescission, extension, or modifica-
18 tion of such orders.

19 “(2) The participation, knowledge, performance,
20 success, or failure of a service provider with respect
21 to the implementation of any order under this chap-
22 ter, or the participation or knowledge of the service
23 provider with respect to any proceeding under this
24 chapter.

25 “(b) RULES OF CONSTRUCTION.—Nothing in this
26 chapter may be construed to—

1 “(1) create any obligation or duty for a service
2 provider that is not named in an order under section
3 1604(d) to prevent access to the foreign piracy site
4 whether or not identified in the order, or create any
5 liability for failure to do so;

6 “(2) provide for or modify any liability, obliga-
7 tion, or duty to prevent access to a foreign piracy
8 site outside of this chapter; or

9 “(3) modify or affect the applicability or inter-
10 pretation of any other provision of law, or change or
11 affect any claims, liability, limitation of liability, im-
12 munity, or safe harbor arising under or set forth in
13 any other provision of law, including section 512 or
14 any other provision of this title.”.

15 (2) TABLE OF CHAPTERS AMENDMENT.—The
16 table of chapters for title 17, United States Code, is
17 amended by inserting at the end the following:

“16. Foreign piracy site blocking 1601”.

18 (b) COPYRIGHT OFFICE REPORT TO CONGRESS.—
19 The Register of Copyrights shall provide a report to Con-
20 gress 2 years after the effective date of this Act, and an-
21 other report 5 years after the effective date, on the imple-
22 mentation and impact of this Act on foreign digital copy-
23 right piracy, the United States copyright system, and the
24 Federal judiciary.

1 (c) PREEMPTION.—This Act shall preempt any State,
2 county, municipal, or other local law or regulation con-
3 cerning foreign digital copyright piracy online, including
4 those found in copyright law or laws with equivalent rights
5 and remedies.

6 (d) INITIAL JUDICIAL DESIGNATIONS.—The Judicial
7 Conference of the United States shall, within 6 months
8 of the date of enactment of this Act, conduct the initial
9 determination of the number of United States district
10 judges necessary to adjudicate all cases arising under this
11 Act.

12 (e) SEVERABILITY.—If any provision of this Act, or
13 the application thereof to any person or circumstance, is
14 held invalid, the remainder of the Act, and the application
15 of such provision to other persons or circumstances shall
16 not be affected thereby.

17 (f) EFFECTIVE DATE.—The effective date of this
18 Act, and the amendments made by this Act, shall be 6
19 months after the date of enactment of this Act, except
20 that section 1610(b) and section 1610(c) of title 17,
21 United States Code (as added by section 2) shall be effec-
22 tive as of the date of enactment.