



November 3, 2011

Hon. Lamar Smith
Chairman
Committee on the Judiciary
U.S. House of Representatives
2409 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Smith:

On behalf of the International AntiCounterfeiting's more than two hundred members, I would like to applaud your recent introduction of H.R. 3261, the Stop Online Piracy Act (SOPA). In recent years, our members have seen exponential growth in the misuse of the internet as a means of facilitating the global trade in counterfeit goods. The ingenuity and agility with which criminals have exploited both old and new technologies demands a creative, and collaborative, response. SOPA provides such a response, with its recognition that all legitimate businesses operating in the online space have a role to play in ensuring the safety and vitality of the internet, trusted by both consumers and retailers. We look forward to working with you and your colleagues on the Judiciary Committee to ensure the passage of the strongest bill possible.

For too long, operators of rogue websites have been able to operate largely with impunity – beyond the reach of either criminal or civil enforcement in the United States – while stealing from American innovators and defrauding American consumers. H.R. 3261 recognizes that, though illicit, these operations are businesses, and that disrupting their means of doing business is a key to protecting legitimate companies and consumers in the United States. The surfeit of counterfeit products currently available for purchase online strikes directly at consumer confidence in the internet as a legitimate marketplace, but the provisions in this bill represent a significant step towards ensuring the continued viability of the internet as a safe and trusted venue for consumer activity.

And while, in recent years, the online trafficking of counterfeit and pirated goods has remained perhaps the highest-profile concern with regard to IP enforcement, I'd like to commend your inclusion of provisions dealing with a number of other key concerns related to IP enforcement, in Title II of the bill, and particularly with regard to the penalty enhancements included in Section 202, for trafficking in inherently dangerous goods and services. While the trafficking of counterfeit goods of any kind is troubling, the increasing reports, in recent years, involving the trade in counterfeit military goods and services, and of counterfeit pharmaceuticals, are particularly concerning. The potential harm resulting from such crimes goes far beyond the economic and consumer injuries typical in other sectors, and individuals who seek to profit from such illicit trade, at the expense of our collective security and health, should be subject to

The International AntiCounterfeiting Coalition
1730 M St. NW #1020 Washington, DC 20036
202.223.6667 (phone) 202.223.6668 (fax) <http://www.iacc.org>

penalties commensurate with the seriousness of their crimes. Likewise, the availability of enhanced penalties for crimes involving economic espionage or for the streaming of copyrighted works in violation of criminal law – both, offenses that have become an increasing concern since the existing statutes and penalties were enacted – is a welcome addition.

Finally, we were greatly pleased by Section 205's acknowledgement of the value of dedicated personnel "on the ground" in our embassies and consulates overseas, to provide expertise and assistance in matters related to intellectual property protection and enforcement. Such individuals have proven an invaluable resource to US businesses in their efforts to address what is a truly international concern.

While this legislation addresses highly-complex issues, requiring the balancing of a number of competing interests, we appreciate your efforts to bring together a broad range of stakeholders in a cooperative process. We firmly believe that a collaborative approach is essential to addressing the problems presented by the online trafficking of counterfeit and pirated goods, and to ensure the continued vitality of the internet as a legitimate marketplace that consumers can trust. We look forward to working with you and your colleagues on the Judiciary Committee to ensure the enactment of legislation that fully, effectively, and efficiently addresses these vital concerns. Please do not hesitate to contact me at 202-223-6667, or via email at: bbarchiesi@iacc.org if you have any questions.

Sincerely,



Robert Barchiesi
President
The International AntiCounterfeiting Coalition

Cc:

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