

SOPA, PROTECT IP will stifle creativity and diminish free speech, says WUSTL experts

January 18 2012, By Jessica Martin

Wikipedia and other sites go dark to protest the Stop Online Piracy Act (SOPA) and the PROTECT IP Act under consideration in Congress. Three law professors from Washington University in St. Louis, Kevin Collins, Gregory Magarian and Neil Richards, signed a [letter](#) to Congress in opposition to the PROTECT IP Act. Below are Magarian and Richards' current comments on SOPA and PROTECT IP.

Gregory P. Magarian, JD, constitutional law and [free speech](#) expert, says that PROTECT IP Act and SOPA are to intellectual property what the infamous Communications Decency Act was to “indecent” online material – an incredibly powerful, blunt instrument that would drastically diminish free speech in the name of protecting copyrights.

“The proposed statutes use vaguely phrased standards for determining the identity of infringing websites, and they would allow the government to bar transactions with, and even links to, sites that it finds to infringe,” he says.

“A search engine could violate the law simply by returning the name of an ‘infringing’ site in a search. This is akin to punishing a publisher who prepares a list of names and addresses of purveyors of obscene materials. It is a frightening and far-reaching form of thought control.

“The proposed statutes continue and exacerbate the trend of wealthy

[copyright](#) holders' prevailing on [Congress](#) to inflate copyright protection beyond any reasonable construction of the Constitution's Copyright Clause, without regard to the public's interest in access to information.”

Neil Richards, JD, First Amendment and privacy law expert, says that both SOPA and the Protect IP Act are unnecessary to protect copyrighted media from unfair uses.

“Copyright holders already have substantial powers under the Digital Millennium Copyright Act and other statutes, and new copyrights granted today can last for a century or more, at the expense of the vibrant public domain that makes any creativity possible,” he says.

“At a time when our copyright law is over-protective in both duration and scope, stifling creativity by individuals, we need less protection for copyrighted works, and not more. The sheer amount of lobbying money that the copyright industries have been able to dump into the political process on this issue is testament both to their corporate profitability and their greed.”

More importantly, Richards notes, the means that these bills would give government to protect copyright holders are unprecedented in scope, giving them the power to break the Internet in pursuit of little more than extra profit.

“These powers are inconsistent with our historic commitments to the free exchange of information and ideas, they threaten First Amendment values, and they are certainly unconstitutional as they currently drafted,” Richards says.

“These values of free expression are coded into the current structure of the Internet, and SOPA and the Protect-IP Act would try to change the nature of the Internet, making it closed rather than open. Given this

reality, it should be no surprise that virtually all of the big Internet companies have come out in [opposition](#) to these terrible bills.”

Provided by Washington University in St. Louis

Citation: SOPA, PROTECT IP will stifle creativity and diminish free speech, says WUSTL experts (2012, January 18) retrieved 20 September 2024 from <https://phys.org/news/2012-01-sopa-ip-stifle-creativity-diminish.html>

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