



Is This Domain Name Seizure a Bad Omen for Internet Freedom?

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If anyone needed evidence that federal and local prosecutors are taking cybercrime seriously and in some cases pushing for tougher enforcement, just look at a domain name seizure announced recently in New York City.

At the request of federal prosecutors in Manhattan and Immigration and Customs Enforcement agents, [a magistrate judge seized 10 websites](#) that prosecutors allege illegally streamed live sporting events in violation of the copyrights of the National Football League, the National Basketball Association, World Wrestling Entertainment, and others.

Preet Bharara, U.S. attorney for the Southern District of New York, pointed out that the seizure took place just a few days before the Super Bowl and that illegal streaming hurts the leagues, broadcasters, and sports fans.

While we do not condone copyright infringement, we are concerned that this action may foretell the start of an effort by prosecutors to push the limits of the statute that permits a judge to order the seizure of a website. In the name of alleged criminal copyright infringement, prosecutors may begin to take action against domain names that they deem objectionable for almost any reason.



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Last fall, [we wrote about a bill introduced in the Senate by Patrick Leahy \(D-Vt.\)](#) that would have given the Justice Department new power to seek a court injunction against any domain name that it regards as “dedicated to infringing activities.” [\[link to previous post\]](#). Although that bill is now off the fast track to enactment, steps of this type, in the legislature or the courts, are troubling and could constitute a threat to Internet freedom. If infringing materials are located on a website, the remedy should be to take them down, not to shut down the website entirely.

We will be monitoring these developments carefully and will write about them as the issue continues to percolate.

Crime in the Suites is authored by the [Ifrah Law Firm](#), a Washington DC-based law firm specializing in the defense of government investigations and litigation. Our client base spans many regulated industries, particularly e-business, e-commerce, government contracts, gaming and healthcare.

The commentary and cases included in this blog are contributed by Jeff Ifrah and firm associates Rachel Hirsch, Jeff Hamlin, Steven Eichorn and Sarah Coffey. These posts are edited by Jeff Ifrah and Jonathan Groner, the former managing editor of the Legal Times. We look forward to hearing your thoughts and comments!

