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(Original Signature of Member)

108TH CONGRESS
2D SESSION

H. R. _____

To provide additional civil and criminal remedies for domain name fraud.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of Texas introduced the following bill; which was referred to the
Committee on _____

A BILL

To provide additional civil and criminal remedies for domain
name fraud.

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 “Fraudulent Online
5 Identity Enforcement Act”.

6 **SEC. 2. AMENDMENT TO TRADEMARK ACT OF 1946.**

7 Section 35 of the Act entitled “An Act to provide for
8 the registration and protection of trademarks used in com-



1 merce, to carry out the provisions of certain international
2 conventions, and for other purposes” , approved July 5,
3 1946 (commonly referred to as the “Trademark Act of
4 1946”; 15 U.S.C. 1117), is amended by adding at the end
5 the following new subsection:

6 “(e) In a case of a violation under this section, occur-
7 ring at or in connection with an online location, the viola-
8 tion shall be considered to be willful for purposes of this
9 section if the violator, or a person acting in concert with
10 the violator, knowingly provided material and misleading
11 false contact information to a domain name registrar, do-
12 main name registry, or other domain name registration
13 authority in registering a domain name used in connection
14 with the online location, or in maintaining or renewing
15 such registration.”.

16 **SEC. 3. AMENDMENT TO TITLE 17, UNITED STATES CODE.**

17 Section 504(c)(2) of title 17, United States Code, is
18 amended by adding at the end the following new sentence:
19 “In a case of infringement occurring at or in connection
20 with an online location, the infringement shall be consid-
21 ered to be willful for purposes of this paragraph where
22 the copyright owner sustains the burden of proving, and
23 the court finds, that the infringer or a person acting in
24 concert with the infringer knowingly provided material
25 and misleading false contact information to a domain



1 name registrar, domain name registry, or other domain
2 name registration authority in registering a domain name
3 used in connection with the online location, or in maintain-
4 ing or renewing such registration. For purposes of the pre-
5 ceding sentence, the term ‘domain name’ has the meaning
6 given that term in section 45 of the Act entitled ‘An Act
7 to provide for the registration and protection of trade-
8 marks used in commerce, to carry out the provisions of
9 certain international conventions, and for other purposes’
10 approved July 5, 1946 (commonly referred to as the
11 ‘Trademark Act of 1946’; 15 U.S.C. 1127).”.

12 **SEC. 4. AMENDMENT TO TITLE 18, UNITED STATES CODE.**

13 Section 3559 of title 18, United States Code, is
14 amended by adding at the end the following:

15 “(e) SENTENCING ENHANCEMENT FOR FALSIFICA-
16 TION RELATING TO DOMAIN NAMES IN CONNECTION
17 WITH OFFENSES.—The maximum imprisonment other-
18 wise provided by law for a felony offense shall be increased
19 by 7 years if, in furtherance of that offense, the defendant
20 knowingly provided material and misleading false contact
21 information to a domain name registrar, domain name
22 registry, or other domain name registration authority in
23 connection with a domain name registration. For purposes
24 of this subsection, the term ‘domain name’ has the mean-
25 ing given that term in section 45 of the Act entitled ‘An



1 Act to provide for the registration and protection of trade-
2 marks used in commerce, to carry out the provisions of
3 certain international conventions, and for other purposes'
4 approved July 5, 1946 (commonly referred to as the
5 'Trademark Act of 1946'; 15 U.S.C. 1127).''.

