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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.

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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 Sanctions 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-

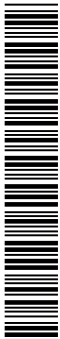


1 merce, to carry out the provisions of certain international  
2 conventions, and for other purposes” , approved July 5,  
3 1946 (commonly referred to as the “Trademark Act of  
4 1946”; 15 U.S.C. 1117), is amended by adding at the end  
5 the following new subsection:

6 “(e) In a case of a violation referred to in this section,  
7 occurring at or in connection with an online location, the  
8 violation shall be considered to be willful for purposes of  
9 this section if the violator, or a person acting in concert  
10 with the violator, knowingly provided material and mis-  
11 leading false contact information to a domain name reg-  
12 istrar, domain name registry, or other domain name reg-  
13 istration authority in registering a domain name used in  
14 connection with the online location, or in maintaining or  
15 renewing 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 “(f) 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).”.

