



The Honorable Andrei Iancu, Co-Chair  
The Honorable David Kappos, Co-Chair  
Judge Paul Michel (Ret.), Board Member  
Judge Kathleen O'Malley (Ret.), Board Member  
The Honorable Gary Locke, Board Member  
The Honorable Lamar Smith, Board Member  
Frank Cullen, Executive Director

June 29, 2026

The Honorable Darrell Issa  
Chairman  
House Judiciary Subcommittee on Courts,  
Intellectual Property, Artificial Intelligence,  
and the Internet  
2108 Rayburn House Office Building  
Washington, DC 20515

The Honorable Henry C. "Hank" Johnson, Jr.  
Ranking Member  
House Judiciary Subcommittee on Courts,  
Intellectual Property, Artificial Intelligence,  
and the Internet  
2240 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Issa and Ranking Member Johnson:

The Council for Innovation Promotion (C4IP) thanks you for convening the June 30, 2026 hearing, "A Midlife Crisis? IP and the Internet After 40." Four decades into the commercial internet, the enforcement gaps the Subcommittee has identified in its notice — piracy, counterfeiting, and digital replicas — are no longer emerging problems but entrenched ones, and we are grateful for the Subcommittee's sustained, bipartisan attention to them.

C4IP is a bipartisan coalition dedicated to promoting strong and effective intellectual property rights that drive innovation, boost economic competitiveness, and improve lives everywhere. C4IP is chaired by two former directors of the U.S. Patent and Trademark Office (USPTO), Andrei Iancu and David Kappos, who served under Presidents Trump and Obama, respectively. Our board further includes two retired judges from the Court of Appeals for the Federal Circuit, former Chief Judge Paul Michel and Judge Kathleen O'Malley. It also features two distinguished public servants: Lamar Smith, former U.S. Representative for Texas's 21st congressional district and Chairman of the House Judiciary Committee, and Gary Locke, former Governor of Washington, U.S. Secretary of Commerce, and U.S. Ambassador to China under President Obama.

We write to offer our views on three sets of issues that may arise during the hearing.

### **I. Unauthorized Digital Replicas: C4IP supports the NO FAKES Act.**

We appreciate the Subcommittee's focus on the harms of abusive digital replicas. As generative AI makes it trivial to clone a person's voice or visual likeness with convincing realism, individuals, from recording artists and broadcast journalists to private citizens, face a new and rapidly growing threat to control over their own identity. AI can be a

transformational creative tool, but only when deployed in a manner that respects the rights of the creators and individuals whose voices and likenesses it draws upon; people should be able to protect those attributes from exploitation without their permission.

The NO FAKES Act (S. 4591 / H.R. 8915), reintroduced in May 2026 and reflecting changes since the bills were first introduced earlier this Congress, would establish a federal right protecting an individual's voice and visual likeness against unauthorized digital replicas; hold liable those who knowingly create or distribute such replicas, as well as platforms that knowingly host them; and provide a notice-and-takedown process, all while preserving recognized First Amendment protections. The sponsors' continued refinement of the bill reflects a careful balance between protecting individual rights and safeguarding legitimate expression and innovation, and the measure recently advanced unanimously out of the Senate Judiciary Committee.

We encourage the House to move in parallel, and we strongly support the enactment of the NO FAKES Act.

## **II. Online Counterfeiting: C4IP supports the SHOP SAFE Act.**

C4IP has long supported the SHOP SAFE Act, and we continue to do so. Brands should not be made solely responsible for policing online marketplaces and keeping consumers safe; the Act rightly places greater responsibility on e-commerce platforms to monitor for and remove counterfeit goods, and we have urged its swift passage.<sup>1</sup>

The scale of online counterfeiting underscores the need. By recent estimates, counterfeit goods accounted for nearly \$467 billion in global trade in 2021,<sup>2</sup> and in fiscal year 2025, U.S. Customs and Border Protection seized nearly 79 million counterfeit items with an estimated value of approximately \$7.3 billion.<sup>3</sup> These are not victimless transactions: counterfeits frequently bypass the safety testing and quality controls that legitimate products undergo, exposing families to hazards ranging from electronics that overheat to cosmetics containing toxic chemicals, while siphoning revenue and goodwill from the innovators whose

[1] C4IP Letter to the House Judiciary Committee on the SHOP SAFE Act (June 13, 2024), <https://c4ip.org/wp-content/uploads/2024/06/C4IP-Letter-RE-SHOP-SAFE-Act.pdf>.

[2] OECD and EUIPO, *Mapping Global Trade in Fakes 2025*, [https://www.oecd.org/content/dam/oecd/en/publications/reports/2025/05/mapping-global-trade-in-fakes-2025\\_5c812e3c/94d3b29f-en.pdf](https://www.oecd.org/content/dam/oecd/en/publications/reports/2025/05/mapping-global-trade-in-fakes-2025_5c812e3c/94d3b29f-en.pdf).

[3] U.S. Customs and Border Protection, *CBP Reminds Shoppers to Be Aware of Counterfeits This Holiday Season* (Nov. 24, 2025), <https://www.cbp.gov/newsroom/local-media-release/cbp-reminds-shoppers-be-aware-counterfeits-holiday-season>.

trademarks the counterfeiters exploit, such as small businesses that lack the resources to police every marketplace themselves.<sup>4</sup>

The SHOP SAFE Act addresses this by extending to online marketplaces the kind of accountability that brick-and-mortar retailers already bear. It would establish contributory trademark liability for e-commerce platforms when a third party sells a counterfeit that implicates consumer health or safety, unless the platform adopts a defined set of best practices: vetting sellers, proactively screening listings, expeditiously removing counterfeits, and terminating repeat offenders, while requiring brand owners to provide platforms advance notice of their marks and a point of contact so that those preventative measures can work. By aligning the incentives of the party best positioned to prevent these sales with the safety of the consumer, the Act would meaningfully reduce the circulation of dangerous fakes. We hope to see the SHOP SAFE Act reintroduced in this Congress, and we stand ready to support its advancement.

### **III. Copyright Piracy: C4IP supports judicial site-blocking legislation.**

C4IP strongly supports recent efforts to establish a judicial site-blocking regime in the United States, and we commend the Subcommittee for its attention to this issue.

The case for action is straightforward. The most damaging online piracy is committed by foreign-operated websites that exist for the sole purpose of distributing infringing content and that structure themselves to evade U.S. jurisdiction. Domestic enforcement tools, including DMCA notice-and-takedown, are insufficient and often ineffective in addressing offshore operators. The result is a structural enforcement gap that cannot be closed from within the United States, and the harm is substantial: in a 2019 report, film and television piracy alone was estimated to cost the U.S. economy roughly \$29.2 billion and more than 230,000 jobs each year.<sup>5</sup>

Site-blocking closes that gap, and a decade of international experience shows it works. More than fifty countries, including allies such as the United Kingdom, Australia, Canada, and members of the European Union, now permit no-fault blocking injunctions, under which a court (after a full judicial process) directs internet service providers to disable access to sites

[4] See C4IP, *'Tis the Season — of Counterfeits?* (Nov. 2025), <https://c4ip.org/tis-the-season-of-counterfeits/>; C4IP Coalition Updates (Dec. 2025), <https://c4ip.org/c4ip-coalition-updates-december-2025/>.

[5] David Blackburn et al., *Impacts of Digital Video Piracy on the U.S. Economy* (U.S. Chamber of Commerce Global Innovation Policy Center, 2019), [https://www.uschamber.com/assets/documents/Digital\\_Video\\_Piracy\\_June\\_2019.pdf](https://www.uschamber.com/assets/documents/Digital_Video_Piracy_June_2019.pdf).

adjudicated to be dedicated to piracy.<sup>6</sup> Where these regimes have been adopted, traffic to blocked piracy sites has fallen sharply.<sup>7</sup> The U.S. Copyright Office reached complementary conclusions in its 2020 Report on Section 512, which examined no-fault injunctive relief, observed that infringing sites are frequently located abroad and thus shielded from U.S. remedies, and surveyed the growing body of foreign experience; the Office expanded on that survey in its October 2023 letter to members of the Senate.<sup>8</sup>

We share the view that any U.S. regime must be drafted with care for free speech and related concerns. We believe a workable solution is well within reach, with several bills pending before Congress, including the Foreign Anti-Digital Piracy Act (FADPA, H.R. 791) in the House and the Block BEARD Act in the Senate.<sup>9</sup> Both reach only foreign sites primarily dedicated to infringement, require a full judicial process before any order issues, and shield complying intermediaries from liability, answering the central objections raised against earlier proposals.

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C4IP appreciates the Subcommittee's leadership on these issues and would welcome the opportunity to serve as a resource as it considers legislation in each of these areas. Thank you again for holding this important hearing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank Cullen', with a stylized flourish at the end.

Frank Cullen  
Executive Director  
Council for Innovation Promotion (C4IP)

[6] ITIF, *Blocking Access to Foreign Pirate Sites* (June 9, 2025), <https://itif.org/publications/2025/06/09/blocking-access-to-foreign-pirate-sites-a-long-overdue-task-for-congress/>.

[7] *Id.*

[8] U.S. Copyright Office, *Section 512 of Title 17* (May 21, 2020), <https://www.copyright.gov/policy/section512/section-512-full-report.pdf>; Letter from U.S. Copyright Office to Six Senators on No-Fault Injunctive Relief (Oct. 28, 2023), <https://www.copyright.gov/laws/hearings/Letter-US-Copyright-Office-to-Six-Senators-on-No-Fault-Injunctive-Relief-Oct-28-2023.pdf>.

[9] Tillis, *Colleagues Introduce Framework to Combat Foreign Online Piracy, Protect American Copyright Holders* (Jul. 30, 2025), <https://www.tillis.senate.gov/2025/7/tillis-colleagues-introduce-framework-to-combat-foreign-online-piracy-protect-american-copyright-holders>.

cc:

Rep. Michael Baumgartner, Member, House Judiciary Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet

Rep. Ben Cline, Member, House Judiciary Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet

Rep. Scott Fitzgerald, Member, House Judiciary Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet

Rep. Russell Fry, Member, House Judiciary Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet

Rep. Lance Gooden, Member, House Judiciary Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet

Rep. Sydney Kamlager-Dove, Member, House Judiciary Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet

Rep. Kevin Kiley, Member, House Judiciary Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet

Rep. Laurel Lee, Member, House Judiciary Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet

Rep. Ted Lieu, Member, House Judiciary Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet

Rep. Zoe Lofgren, Member, House Judiciary Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet

Rep. Thomas Massie, Member, House Judiciary Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet

Rep. Joe Neguse, Member, House Judiciary Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet

Rep. Deborah Ross, Member, House Judiciary Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet