

Homeland Security shuts down dozens of Web sites without court order

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The Homeland Security Department's customs enforcement division has gone on a Web site shutdown spree, closing down at least 76 domains this week, according to online reports.

While many of the web domains were sites that trafficked in counterfeit brand name goods, and some others linked to copyright-infringing file-sharing materials, at least one site was a Google-like search engine, causing alarm among web freedom advocates who worry the move steps over the line into censorship.

All the shut sites are now displaying a Homeland Security warning that copyright infringers can face up to five years in prison.

According to a report at TorrentFreak, the search engine that was shut down — Torrent-Finder.com — neither hosted copyrighted material nor directly linked to places where it could be found. Instead, the site opened new windows to sites that did link to file-sharing materials.

"When a site has no tracker, carries no torrents, lists no copyright works unless someone searches for them and responds just like Google, accusing it of infringement becomes somewhat of a minefield," writes Torrentfreak, "Unless you're ICE Homeland Security Investigations that is."

As of its last update, Torrentfreak counted 76 domains shut down this week.

Homeland Security's ability to shut down sites without a court order evidently comes from the Digital Millennium Copyright Act, a Clinton-era law that allows Web sites to be closed on the basis of a copyright complaint. Critics have long assailed the DMCA for being too broad, as complainants don't need to prove copyright infringement before a site can be taken down.

News of the shutdowns has some observers wondering whether the US really needs COICA, the anti-counterfeiting bill that passed through a Senate committee with unanimous approval last week. That bill would allow the federal government to block access to Web sites that attorneys general deem to have infringed on copyright.

"Domain seizures coming under the much debated 'censorship bill' COICA? Who needs it?" quips Torrentfreak.

However, COICA would allow the government to block access to Web sites located anywhere

in the world, while Homeland Security's take-downs are limited to servers inside the United States. Sen. Ron Wyden of Oregon said he would place a hold on COICA, effectively killing the bill at least until the new congressional session next year.

The owner of Torrent-Finder.net complained that his search engine was shut down without so much as a court order or prior complaint.

"My domain has been seized without any previous complaint or notice from any court!" the owner said, without being identified in the Torrentfreak article.

Earlier this week, Homeland Security shut down a popular hip-hop music site, RapGodfathers.com, which had nearly 150,000 members. The site claims it is compliant with copyright laws, as it doesn't host copyrighted materials. However, its users posted links to file-hosting services such as Rapidshare and Megaupload, where copyrighted material may have been shared.

These domains are now "the property of Homeland Security," writes Gareth Halfacree at Thing.co.uk, "And there's no indication that their original owners will ever be able to get them back."

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