

110TH CONGRESS
2D SESSION

H. R. 7176

To prohibit the installation on a computer of certain “peer-to-peer” file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2008

Mrs. BONO MACK (for herself, Mr. BARROW, and Mr. BARTON of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit the installation on a computer of certain “peer-to-peer” file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer.

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 “Informed P2P User
5 Act”.

6 **SEC. 2. CONDUCT PROHIBITED.**

7 (a) IMPROPER INSTALLATION WITHOUT NOTICE AND
8 CONSENT.—It is unlawful for any person who is not the

1 owner or authorized user of a protected computer to cause
2 or induce the owner or authorized user of the protected
3 computer to install any component of a peer-to-peer file
4 sharing program that intentionally obtains files on the
5 protected computer, or makes such files available to an-
6 other computer without first providing clear and con-
7 spicuous notice that such program obtains files on the pro-
8 tected computer, or makes such files available to another
9 computer, and obtaining the informed consent to the in-
10 stallation of such program for such activities from the
11 owner or authorized user of the protected computer.

12 (b) PREVENTING THE DISABLING OR REMOVAL OF
13 CERTAIN SOFTWARE.—It is unlawful for any person who
14 is not the owner or authorized user of a protected com-
15 puter to prevent reasonable efforts by such owner or au-
16 thorized user to—

17 (1) block the installation of a peer-to-peer file
18 sharing program that intentionally obtains files on
19 the protected computer, or makes such files available
20 to another computer; or

21 (2) disable or remove any peer-to-peer file shar-
22 ing program that intentionally obtains files on the
23 protected computer, or makes such files available to
24 another computer.

1 **SEC. 3. ENFORCEMENT.**

2 (a) UNFAIR AND DECEPTIVE ACTS AND PRAC-
3 TICES.—A violation of section 2 shall be treated as a viola-
4 tion of a rule defining an unfair or deceptive act or prac-
5 tice prescribed under section 18(a)(1)(B) of the Federal
6 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

7 (b) FEDERAL TRADE COMMISSION ENFORCE-
8 MENT.—The Federal Trade Commission shall enforce this
9 Act in the same manner, by the same means, and with
10 the same jurisdiction as though all applicable terms and
11 provisions of the Federal Trade Commission Act were in-
12 corporated into and made a part of this Act.

13 **SEC. 4. DEFINITIONS.**

14 As used in this Act—

15 (1) the term “protected computer” has the
16 meaning given such term in section 1030(e)(2) of
17 title 18, United States Code; and

18 (2) the term “peer-to-peer file sharing pro-
19 gram” means computer software that allows the
20 computer on which such software is installed—

21 (A) to designate files available for trans-
22 mission to another computer;

23 (B) to transmit files directly to another
24 computer; and

1 (C) to request the transmission of files
2 from another computer.

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