

119TH CONGRESS
1ST SESSION

S. _____

To amend title 17, United States Code, to permit the owner or exclusive licensee of an exclusive right under that title to file a petition to designate a foreign online location as a foreign digital piracy site, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. TILLIS (for himself, Mr. COONS, Mrs. BLACKBURN, and Mr. SCHIFF) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 17, United States Code, to permit the owner or exclusive licensee of an exclusive right under that title to file a petition to designate a foreign online location as a foreign digital piracy site, and for other purposes.

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 “Block Bad Electronic
5 Art and Recording Distributors Act of 2025” or the
6 “Block BEARD Act of 2025”.

1 **SEC. 2. ORDERS TO DESIGNATE AND DIRECT AGAINST FOR-**
2 **EIGN DIGITAL PIRACY SITES.**

3 (a) IN GENERAL.—Chapter 5 of title 17, United
4 States Code, is amended by inserting after section 502 the
5 following:

6 **“§ 502A. Orders to designate and direct against for-**
7 **eign digital piracy sites**

8 “(a) DEFINITIONS.—In this section:

9 “(1) FOREIGN DIGITAL PIRACY SITE.—The
10 term ‘foreign digital piracy site’ means a foreign on-
11 line location that has been designated as a foreign
12 digital piracy site by an order of a district court of
13 the United States issued under this section.

14 “(2) FOREIGN ONLINE LOCATION.—The term
15 ‘foreign online location’ means a website or uniquely
16 identifiable online location that is—

17 “(A) accessible to the public;

18 “(B) operated by an individual or entity lo-
19 cated outside the United States (or the location
20 of which cannot be determined to be within the
21 United States); and

22 “(C) identifiable by 1 or more Internet
23 Protocol addresses, fully qualified domains, or
24 other similar online identifiers.

25 “(3) SERVICE PROVIDER.—The term ‘service
26 provider’ has the meaning given the term in section

1 512(k)(1)(A), except that the term does not in-
2 clude—

3 “(A) a provider of broadband internet ac-
4 cess service that provides service to fewer than
5 50,000 subscribers; or

6 “(B) a premises operator, such as a coffee
7 shop, bookstore, airline, library, university, or
8 other business, that acquires broadband inter-
9 net access service from an internet service pro-
10 vider to enable patrons to access the internet
11 from the establishment of the operator.

12 “(b) JUDICIAL DESIGNATIONS OF FOREIGN DIGITAL
13 PIRACY SITES.—

14 “(1) IN GENERAL.—The owner or exclusive li-
15 censee of an exclusive right under this title may
16 bring an action in an appropriate district court of
17 the United States to petition the court to issue an
18 order to designate a foreign online location as a for-
19 eign digital piracy site.

20 “(2) REQUIREMENTS.—Subject to paragraph
21 (5), a court shall issue an order requested under
22 paragraph (1)—

23 “(A) upon the determination by the court
24 that the petitioner is the owner or exclusive li-

1 censee of an exclusive right under this title
2 and—

3 “(i) is being or will be injured by in-
4 fringing material or activity that violates a
5 right protected under this title at the for-
6 eign online location that is the subject of
7 the petition;

8 “(ii) has made a reasonable effort to
9 provide the operator of the foreign online
10 location described in clause (i) with notice
11 of the action brought by the petitioner; and

12 “(iii) has certified that the petitioner
13 cannot, after a reasonable investigation
14 based on publicly available information, de-
15 termine the operator of the foreign online
16 location described in clause (i) to be within
17 the United States; and

18 “(B) upon a showing by the petitioner that
19 the foreign online location described in subpara-
20 graph (A)(i)—

21 “(i) is primarily designed or provided
22 for the purpose of infringing a right under
23 this title;

1 “(ii) has only a limited commercially
2 significant purpose or use other than in-
3 fringing a right under this title; or

4 “(iii) is intentionally marketed by or
5 at the direction of the operator of the for-
6 eign online location to promote the use of
7 the foreign online location in infringing a
8 right under this title.

9 “(3) OPPORTUNITY TO CONTEST.—The oper-
10 ator of the foreign online location that is the subject
11 of a petition under paragraph (1) may, not later
12 than 21 days after the date on which that petition
13 is filed, appear before the court in which the petition
14 is pending to contest the issuance of the order to
15 designate the foreign online location as a foreign
16 digital piracy site.

17 “(4) JUDICIAL DISCRETION.—If the operator of
18 a foreign online location that is the subject of a peti-
19 tion under paragraph (1) does not appear before the
20 court pursuant to paragraph (3), the court may, in
21 the discretion of the court, appoint a master pursu-
22 ant to rule 53 of the Federal Rules of Civil Proce-
23 dure to assist in the determination of the court as
24 to whether the requirements of this subsection have
25 been satisfied.

1 “(5) LIMITATION.—A court shall not issue an
2 order to designate a foreign online location as a for-
3 eign digital piracy site under this subsection if the
4 operator of the foreign online location—

5 “(A) appears before the court pursuant to
6 paragraph (3);

7 “(B) submits to the jurisdiction of the
8 court for all claims arising from or related to
9 alleged infringing material or activity at the
10 foreign online location;

11 “(C) posts a bond sufficient to ensure com-
12 pliance with any judgment of the court related
13 to alleged infringing material or activity at the
14 foreign online location; and

15 “(D) complies with any other order of the
16 court to cease the infringing activity.

17 “(c) JUDICIAL ORDERS AGAINST FOREIGN DIGITAL
18 PIRACY SITES.—

19 “(1) IN GENERAL.—If a district court of the
20 United States issues an order to designate a foreign
21 online location as a foreign digital piracy site under
22 subsection (b), the petitioner that sought the order
23 may petition the same court to issue a subsequent
24 order to direct service providers to take reasonable
25 measures to prevent users in the United States from

1 using the system or network of those service pro-
2 viders to access the foreign digital piracy site.

3 “(2) REQUIREMENTS FOR PETITION.—A court
4 in which a petition is filed under paragraph (1) shall
5 accept the petition, and consider whether to issue
6 the order requested in the petition in accordance
7 with the factors described in paragraph (3)—

8 “(A) if the petition identifies all service
9 providers to be subject to the order; and

10 “(B) upon certification by the petitioner
11 that the petitioner has provided each service
12 provider identified in the petition with—

13 “(i) a copy of the order issued under
14 subsection (b);

15 “(ii) a copy of the petition filed under
16 this subsection; and

17 “(iii) notice informing each such serv-
18 ice provider of the right of the service pro-
19 vider to contest the inclusion of the service
20 provider in the petition filed under this
21 subsection, as provided in paragraph (4).

22 “(3) CONSIDERATIONS.—In determining wheth-
23 er to issue an order under this subsection, a court
24 shall consider—

1 “(A) whether such an order, either alone
2 or in combination with other such orders obli-
3 gating action by the same service provider,
4 would significantly burden either the service
5 provider or the operation of the system or net-
6 work of the service provider;

7 “(B) the magnitude of the harm likely to
8 be suffered by the petitioner if steps are not
9 taken to prevent or restrain access to the appli-
10 cable foreign digital piracy site;

11 “(C) whether implementation of the
12 order—

13 “(i) would be technically feasible and
14 effective;

15 “(ii) would not interfere with access
16 to non-infringing material at other online
17 locations; and

18 “(iii) would do a disservice to the pub-
19 lic interest; and

20 “(D) whether less burdensome and com-
21 parably effective means are available to prevent
22 or restrain access to the applicable foreign dig-
23 ital piracy site.

24 “(4) OPPORTUNITY TO CONTEST.—Not later
25 than 20 days after the date on which a service pro-

1 vider receives the notice required under paragraph
2 (2)(B) with respect to a petition filed under this
3 subsection, the service provider may appear before
4 the court in which the petition was filed and contest
5 the inclusion of the service provider in that petition.

6 “(5) ORDER INSTRUCTIONS.—An order issued
7 under this subsection shall—

8 “(A) specify the date on which a service
9 provider identified in that order shall begin im-
10 plementing that order, which shall be—

11 “(i) not less than 15 days from the
12 date on which that service provider receives
13 the notice described in paragraph (6), sub-
14 ject to extension for good cause shown; or

15 “(ii) if that order relates to the public
16 performance of a live event, as soon as
17 practicable for that service provider after
18 receipt of the notice described in para-
19 graph (6);

20 “(B) provide that such order will expire 1
21 year after the date specified under subpara-
22 graph (A), subject to any extension granted
23 under paragraph (9);

24 “(C) expressly require the applicable peti-
25 tioner to—

1 “(i) use reasonable, good-faith efforts
2 to verify on an ongoing basis the accuracy
3 of information provided in the petition re-
4 garding the foreign digital piracy site that
5 is the subject of the order, including, as
6 applicable, the domain names and Internet
7 Protocol addresses at which the foreign
8 digital piracy site that is the subject of the
9 order is operating; and

10 “(ii) if the information underlying the
11 petition has materially changed, provide
12 the court that issued the order and each
13 service provider identified in the order with
14 the information described in clause (i);

15 “(D) expressly provide that a service pro-
16 vider identified in the order may rely on infor-
17 mation provided in the order and any updated
18 information provided by the petitioner with re-
19 spect to the order under subparagraph (C); and

20 “(E) expressly provide that a service pro-
21 vider identified in the order has no independent
22 obligation, at the time the order is adopted or
23 at any time thereafter, to investigate or other-
24 wise verify or confirm the accuracy of informa-
25 tion provided under subparagraph (C) or (D).

1 “(6) NOTICE OF ORDER.—The court shall pro-
2 vide notice to the petitioner and each service pro-
3 vider subject to an order issued under this sub-
4 section, which shall include—

5 “(A) the instructions described in para-
6 graph (5);

7 “(B) the limitation described in paragraph
8 (7);

9 “(C) the obligations of the service provider
10 under subsection (d); and

11 “(D) the immunities of the service provider
12 under subsection (e).

13 “(7) LIMITATION.—An order issued under this
14 subsection may not prescribe, or be construed to
15 prescribe, any specific technical measures to be used
16 or other actions to be taken by a service provider to
17 comply with that order.

18 “(8) ADDITIONAL IDENTIFICATION.—

19 “(A) IN GENERAL.—At any time after the
20 issuance of an order under this subsection, the
21 petitioner that sought the order may move to
22 amend the order by identifying 1 or more addi-
23 tional service providers to which the order
24 should apply.

1 “(B) REQUIREMENTS.—The court shall
2 grant a motion made under subparagraph (A)
3 if the petitioner has demonstrated that the peti-
4 tioner has provided each service provider identi-
5 fied in that motion with—

6 “(i) a copy of the order issued under
7 subsection (b);

8 “(ii) a copy of the order issued under
9 this subsection;

10 “(iii) a copy of the motion filed under
11 this paragraph; and

12 “(iv) notice informing the service pro-
13 vider of the right of the service provider to
14 contest the inclusion of the service provider
15 in the motion filed under this paragraph,
16 as provided in subparagraph (C).

17 “(C) OPPORTUNITY TO CONTEST.—Not
18 later than 20 days after the date on which a
19 service provider receives notice under subpara-
20 graph (B) with respect to a motion made under
21 this paragraph, the service provider may appear
22 and contest the inclusion of the service provider
23 in that motion.

24 “(9) EXTENSION OF ORDER DURATION.—

1 “(A) IN GENERAL.—At any time before
2 the expiration of an order issued under this
3 subsection, as provided under paragraph
4 (5)(B), the petitioner that sought the order
5 may move to extend the order.

6 “(B) REQUIREMENTS.—The court shall
7 grant a motion made under subparagraph (A)
8 if the petitioner has demonstrated that the peti-
9 tioner—

10 “(i) continues to be injured by the in-
11 fringement of the exclusive right of the pe-
12 titioner under this title at the foreign dig-
13 ital piracy site that is the subject of the
14 applicable order; or

15 “(ii) will likely be injured by the in-
16 fringement of the exclusive right of the pe-
17 titioner under this title at the foreign dig-
18 ital piracy site that is the subject of the
19 applicable order if the order is not ex-
20 tended.

21 “(C) LENGTH OF EXTENSION.—An exten-
22 sion granted under this paragraph shall be for
23 not longer than 1 year beyond the expiration of
24 the order that is in effect, as of the date on
25 which the extension is granted.

1 “(10) COST.—

2 “(A) IN GENERAL.—Upon motion by a
3 service provider subject to an order issued
4 under this subsection, the court may order the
5 petitioner that sought the order to pay reason-
6 able costs directly incurred by the service pro-
7 vider to comply with the order.

8 “(B) CONTENTS.—A motion made under
9 subparagraph (A)—

10 “(i) shall include a detailed list of
11 each cost described in that subparagraph;

12 “(ii) may not include costs for capital
13 expenditures, infrastructure, overhead, or
14 attorneys’ fees; and

15 “(iii) shall be filed not later than 60
16 days after the date on which the costs
17 sought to be recovered were incurred.

18 “(d) SERVICE PROVIDER OBLIGATIONS AND COMPLI-
19 ANCE.—

20 “(1) IN GENERAL.—A service provider that re-
21 ceives notice under subsection (c)(6) shall take rea-
22 sonable measures to prevent users in the United
23 States from using the system or network of that
24 service provider to access the foreign digital piracy
25 site that is the subject of the applicable order.

1 “(2) NOTICE TO SUBSCRIBERS.—A service pro-
2 vider subject to an order issued under subsection (c)
3 may elect to inform the subscribers of the service
4 provider attempting to access the foreign digital pi-
5 racy site that is the subject of the order that access
6 by the subscribers to the foreign digital piracy site
7 has been denied pursuant to a judicial order to di-
8 rect that denial of access.

9 “(3) ALLOWANCES.—A service provider subject
10 to an order issued under subsection (c) shall not be
11 deemed to be in violation of that order if the service
12 provider temporarily suspends compliance by the
13 service provider with that order when reasonably
14 necessary—

15 “(A) to correct or investigate potential in-
16 terference with access to non-infringing mate-
17 rial at other online locations;

18 “(B) to maintain the integrity or quality of
19 the network or operations of the service pro-
20 vider;

21 “(C) to upgrade or maintain the operations
22 or network of the service provider, including
23 any mechanism used to implement that order;
24 or

1 “(D) to prevent or respond to an actual or
2 potential security threat to the operations or
3 network of the service provider.

4 “(e) SERVICE PROVIDER IMMUNITIES.—

5 “(1) IMMUNITY FROM LIABILITY FOR GOOD
6 FAITH ACTIONS AND FOR RELIANCE.—

7 “(A) IN GENERAL.—A service provider
8 subject to an order issued under subsection (c)
9 shall be immune from liability for any injury al-
10 leged by an entity described in subparagraph
11 (B) to have occurred as a result of a measure
12 or other action taken or not taken in good faith
13 by the service provider—

14 “(i) to implement the order; or

15 “(ii) based on information provided to
16 the service provider under subsection (c).

17 “(B) ENTITIES.—With respect to a service
18 provider described in subparagraph (A), an en-
19 tity described in this subparagraph means—

20 “(i) a user of the system or network
21 of the service provider;

22 “(ii) the petitioner that sought the
23 order issued under subsection (c) that
24 identifies the service provider;

1 “(iii) the operator, or a user, of the
2 foreign digital piracy site that is the sub-
3 ject of the applicable order; or

4 “(iv) any other third party or govern-
5 ment authority.

6 “(2) IMMUNITY FROM LIABILITY FOR INJURY
7 ALLEGED BY A FOREIGN DIGITAL PIRACY SITE.—A
8 service provider subject to an order issued under
9 subsection (c) shall be immune from liability for any
10 injury alleged by a foreign digital piracy site that is
11 the subject of the order, notwithstanding any subse-
12 quent determination that the foreign digital piracy
13 site was inaccurately identified in the order or does
14 not meet the requirements under subsection (b).

15 “(3) RULE OF CONSTRUCTION.—Nothing in
16 this subsection may be construed to limit the author-
17 ity of a court issuing an order under subsection (c)
18 to compel compliance with the order.

19 “(f) JUDICIAL REVIEW OF COMPLIANCE.—

20 “(1) IN GENERAL.—A measure taken or not
21 taken by a service provider subject to an order
22 issued under subsection (c) shall be subject to review
23 by the court that issued the order.

24 “(2) CONSIDERATIONS.—A court that issues an
25 order under subsection (c) with respect to a service

1 provider may not determine that the service provider
2 has failed to satisfy the obligations of the service
3 provider under that order based on the failure of the
4 service provider to conduct an affirmative investiga-
5 tion regarding the accuracy of information regarding
6 the foreign digital piracy site that is the subject of
7 the order, including, as applicable, the domain
8 names and Internet Protocol addresses of that for-
9 eign digital piracy site and any updated information
10 provided under subsection (c)(5)(C).

11 “(3) MOVE TO MODIFY.—If a service provider
12 subject to an order issued under subsection (c),
13 when implementing the order, prevents a user from
14 accessing an online location other than the foreign
15 digital piracy site that is the subject of the order,
16 the operator of that other online location may move
17 to modify or rescind that order so as to enable ac-
18 cess to the other online location.

19 “(g) JUDICIAL AMENDMENT OF ORDERS.—A court,
20 upon determination that a foreign online location pre-
21 viously designated in an action brought under this section
22 to be a foreign digital piracy site is accessible or has been
23 reconstituted at a different domain name or Internet Pro-
24 tocol address, or has engaged in circumvention techniques
25 that render the initial order ineffective, may—

1 “(1) amend the order issued under subsection
2 (b) or (c) accordingly; and

3 “(2) provide notice of the amended order under
4 paragraph (1) in accordance with the requirements
5 under subsection (c)(6).

6 “(h) RULES OF CONSTRUCTION.—Nothing in this
7 section may be construed to affect—

8 “(1) the applicability or interpretation of any
9 other provision of law or principle of equity, includ-
10 ing—

11 “(A) the requirements of section 512 or
12 any other provision of this title; or

13 “(B) principles of secondary liability; or

14 “(2) the limitation on the liability of a service
15 provider under section 512.

16 “(i) EFFECTIVE DATE.—This section shall take ef-
17 fect on the date that is 180 days after the date of enact-
18 ment of the Block Bad Electronic Art and Recording Dis-
19 tributors Act of 2025.”.

20 (b) CONFORMING AMENDMENTS.—Section 502 of
21 title 17, United States Code, is amended—

22 (1) in the section heading, by inserting “**and**
23 **orders**” after “**Injunctions**”;

24 (2) in subsection (a)—

1 (A) by striking “may, subject to” and in-
2 serting the following: “may—

3 “(1) subject to”;

4 (B) in paragraph (1), as so designated, by
5 striking the period at the end and inserting “;
6 and”; and

7 (C) by adding at the end the following:

8 “(2) subject to the provisions of section 502A,
9 issue an order directing a service provider, as de-
10 fined in that section, to take reasonable measures to
11 prevent a foreign digital piracy site, as defined in
12 that section, from using the system or network of
13 that service provider to make that foreign digital pi-
14 racy site available to users in the United States.”;
15 and

16 (3) in subsection (b)—

17 (A) in the first sentence—

18 (i) by inserting “or order” after “such
19 injunction”; and

20 (ii) by inserting “or subject to the
21 order” before the semicolon; and

22 (B) in the second sentence—

23 (i) by inserting “or issuing the order”
24 after “granting the injunction”; and

1 (ii) by inserting “or order” after “of
2 the injunction”.

3 (c) TECHNICAL AMENDMENTS.—The table of sec-
4 tions for chapter 5 of title 17, United States Code, is
5 amended—

6 (1) by striking the item relating to section 502
7 and inserting the following:

“502. Remedies for infringement: Injunctions and orders.”; and

8 (2) by inserting after the item relating to sec-
9 tion 502, as amended by paragraph (1) of this sub-
10 section, the following:

“502A. Orders to designate and direct against foreign digital piracy sites.”.