

November 15, 2011

Chairman Lamar Smith
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable John Conyers, Jr.
Chairman
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

Re: H.R. 3261, the Stop Online Piracy Act

Dear Chairman Smith and Ranking Member Conyers,

As press freedom and human rights advocates, we write to express our deep concern with H.R. 3261, the Stop Online Piracy Act (SOPA). While this is a domestic bill, there are several provisions within SOPA that would have serious implications for international civil and human rights which raise concerns about how the United States is approaching global internet governance. The United States has long been a strong advocate for the protection and promotion of an open Internet. However, by institutionalizing the use of internet censorship tools to enforce domestic law in the United States, SOPA creates a paradox that undermines its moral authority to criticize repressive regimes.¹ We urge the United States to uphold its proclaimed responsibility as a leader in internet freedom and reject bills that will censor or fragment the web.

Through SOPA, the United States is attempting to dominate a shared global resource. Building a nationwide firewall and creating barriers for international website and service operators makes a powerful statement that the United States is not interested in participating in a global information infrastructure. Instead, the United States would be creating the very barriers that restrict the free flow of information that it has vigorously challenged abroad. By imposing technical changes to the open internet while eroding due process, SOPA introduces a deeply concerning degree of legal uncertainty into the internet economy, particularly for businesses and users internationally. Business cannot be conducted online when international users and businesses do not have faith that their access to payments, domain names, and advertising will be available, raising challenges to economic development and innovation. **This is as unacceptable to the international community as it would be if a foreign country were to impose similar measures on the United States.**

The provisions in SOPA on DNS filtering in particular will have severe consequences

¹<http://blogs.lse.ac.uk/mediapolicyproject/2011/11/02/freedom-abroad-repression-at-home-the-clinton-now-cameron-paradox/>

worldwide. In China, DNS filtering contributes to the Great Firewall that prevents citizens from accessing websites or services that have been censored by the Chinese government.² By instituting this practice in the United States, SOPA sends an unequivocal message to other nations that it is acceptable to censor speech on the global Internet. Additionally, Internet engineers have argued in response to the Protect IP Act, DNS filtering would break the internet into separate regional networks.³ Worse still, the circumvention technology that can be used to access information under repressive Internet regimes would be outlawed under SOPA, the very same technology whose development is funded by the State Department.

SOPA puts the interests of rightsholders ahead of the rights of society. SOPA would require that web services, in order to avoid complaints and lawsuits, take “deliberate actions” to prevent the possibility of infringement from taking place on their site, pressuring private companies to monitor the actions of innocent users. Not only will this effectively negate the safe harbor protection provided in the Digital Millennium Copyright Act (DMCA), but the proposed legislation would disproportionately affect small online communities who lack the capacity to represent their users in legal battles. Wrongly accused websites would suffer immediate losses as payment systems and ad networks would be required to comply with a demand to block or cease doing business with the site pending receipt of a legal counter-notice. Even then, it would still be at the discretion of these entities to reinstate service to the website regardless of the merits of an alleged rightsholder’s claim, robbing online companies of a stable business environment and creating a climate where free speech is subject to the whims of private actors.

Censoring the internet is the wrong approach to protecting any sectoral interest in business. By adopting SOPA, the United States would lose its position as a global leader in supporting a free and open Internet for public good.

The international civil and human rights community urges Congress to reject the Stop Online Piracy Act.

Best regards,

Access

AGEIA DENSI (Argentina)

ahumanright.org

Association for Progressive Communications (APC)

Avaaz

Bits of Freedom (The Netherlands)

Bytes for All (Pakistan)

Center for Media Justice

² <http://opennet.net/research/profiles/china>

³ Security and Other Technical Concerns Raised by the DNS Filtering Requirements in the PROTECT IP Bill domainincite.com/docs/PROTECT-IP-Technical-Whitepaper-Final.pdf

Center for Rural Strategies
Centre for Internet and Society (India)
Center for Technology and Society (CTS/FGV) (Brazil)
CEPES (Peru)
Church of Sweden
Colnodo (Colombia)
Communication Is Your Right!
Computer Professionals for Social Responsibility
Consumers International
Derechos Digitales (Chile)
Digital Democracy
Digitale Gesellschaft e.V. (Germany)
Digital Rights Ireland
Electronic Frontier Finland (Effi)
EsLaRed (Venezuela)
European Digital Rights (EDRi) (Association of 27 digital rights groups from around Europe)
Fantsuam Foundation (Nigeria)
Forum InformatikerInnen für Frieden und gesellschaftliche Verantwortung e.V. (FifF)
(Germany)
Foundation for Media Alternatives, FMA (Philippines)
Free Network Foundation
Free Press
Free Software Foundation
Funredes (Dominican Republic)
Global Partners & Associates
GreenNet (England)
The Julia Group (Sweden)
Instituto Nupef (Brazil)
Index on Censorship
Internet Democracy Project (India)
Internet Rights and Principles Coalition
Instituto Brasileiro de Defesa do Consumidor (Brazil)
Karisma (Colombia)
La Quadrature du Net (France)
LaNeta (Mexico)
May First/People Link
MobileActive.org
Net Users' Rights Protection Association (NURPA) (Belgium)
Networks & Development Foundation
Nodo TAU (Argentina)
NUPEF (Brazil)
Open Rights Group (ORG) (UK)
Open Source Initiative
Open Spectrum Alliance

OneWorld - Platform for South East Europe (OWPSEE)
Palante Technology Cooperative
The Public Sphere Project
Reporters Without Borders / Reporters sans Frontières
Sulá Batsu (Costa Rica)
Telecommunities Canada
Virtual Activism
wlan slovenija (Slovenia)
10com (European Union)