

From the Non-Commercial Users Constituency (NCUC)

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

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

December 14, 2011

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

Dear Chairman Smith and Ranking Member Conyers,

The Non-Commercial Users Constituency (NCUC) is part of the multi-stakeholder model of the Internet Corporation for Assigned Names and Numbers (ICANN). We represent more than 250 non-profit organizations and individual noncommercial users from around the world, including over 100 residents of the United States. NCUC is primarily concerned with the health and growth of the Internet from the perspective of noncommercial interests such as human rights, education and development.

NCUC expresses its deep concern with the proposed PROTECT IP Act (PIPA) and Stop Online Piracy Act (SOPA), which would mandate the blocking and filtering of the Domain Name System (DNS). While this law is supposed to protect the interests of the US copyright industry, in reality it would instead create harmful, unintended consequences for the management of the domain name system.

In particular, NCUC is very concerned with the provisions in both Bills relating to Domain Name System (DNS) filtering. As identified by numerous technical, legal and policy experts:

- DNS filtering is often proposed as a way to block illegal content consumption by end users. Yet policies to mandate DNS filtering will be ineffective for that purpose and will interfere with cross-border data flows and services, undermining innovation and social development across the globe.
- Filtering DNS or blocking domain names does not remove the illegal content – it simply makes the content harder to find. Those who are determined to download filtered content can easily use a number of widely available, legitimately-proposed tools to circumvent DNS filtering regimes. As a result, DNS filtering encourages the creation of alternative, non-standard DNS systems.

- DNS filtering and blocking raises human rights and freedom of expression concerns, and often curtails international principles regarding the rule of law, due process and justice. Many authoritarian countries have employed DNS filtering and blocking as a way to restrict access to the global Internet and to curb free speech.
- The United States has historically advocated for freedom of expression and has been a strong proponent of Internet freedoms. The United States Government has a significant responsibility to balance its domestic obligations and their potential global impact, especially with respect to Internet policy. Given its commitment to global Internet freedom, it would be detrimental to the health and growth of the Internet if the United States were to insist on such an approach now.

NCUC believes that legislation like PROTECT IP Act and SOPA will have a negative impact upon the Internet's design and can create serious international political and legal problems. Internet freedom is of paramount importance and various organizations and institutions, like the OECD, the European Parliament, the Internet Society and the Council of Europe have committed to preserve this freedom by opposing SOPA/PIPA; we request the United States to commit as well to preserving Internet freedom.

We ask the Members of the Committee to seriously consider those points expressed by a multitude of actors and organizations that oppose SOPA/PIPA and refrain from passing legislation that undermines the health and positive development of the Internet.

Respectfully submitted,

Dr. Konstantinos Komaitis,
Chair of the Non-Commercial Users Constituency (on behalf of the NCUC membership)
<http://ncdnhc.org>