



Protecting and Advancing
Freedom of Expression and
Privacy in Information and
Communications Technologies

November 15, 2011

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

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

Re: Open letter on freedom of expression, intellectual property and H.R. 3261, the Stop Online Piracy Act

Dear Chairman Smith and Ranking Member Conyers,

The Global Network Initiative (GNI) is concerned that provisions of the proposed U.S. law H.R. 3261, the Stop Online Piracy Act (SOPA) and related legislation could have dangerous unintended consequences for freedom of expression and economic innovation in the U.S. and around the world. The protection of intellectual property rights on the Internet is an important concern for the companies, civil society organizations, investors, and academics that constitute GNI. But GNI believes it is possible to craft legislation that promotes economic innovation, protects intellectual property, and safeguards human rights all at the same time.

As Congress moves forward in its consideration of measures to curb copyright infringement, we urge lawmakers to consider carefully the potential global human rights ramifications of SOPA and other legislation being considered by Congress. Proposed bills should narrowly tailor the measures used to enforce intellectual property, so as not to broadly impact lawful expression or use of legitimate communications tools.

GNI is particularly concerned by the new powers that SOPA would give to both the U.S. government and private rightsholders, as well as the technical methods of filtering that would restrict the free flow of information around the world. SOPA imposes new responsibilities on websites and Internet intermediaries, effectively obliging them to proactively monitor and police the information their users publish or transmit in order to avoid costly litigation or government action.

In shaping this legislation, we urge Congress to ensure that free speech and due process rights of individuals are respected, and to shape a regime worthy of imitation and that Congress would be comfortable having mirrored by other governments. It is critically important that Congress avoid measures that could erode free expression norms in a way that would set dangerous precedent for other countries considering similar measures, and make it more difficult for companies everywhere to resist surveillance and censorship demands that infringe upon individual rights.

While the GNI supports the goal of protecting intellectual property rights, we ask that the U.S. Congress fully consider the unintended consequences that the provisions of SOPA could inflict on the free flow of information and economic innovation. We look forward to working constructively with the Committee and other interested members as legislation on this important issue moves forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Morgan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Susan Morgan
Executive Director of the Global Network Initiative

GNI is a multi-stakeholder group of companies, civil society organizations (including human rights and press freedom groups), investors and academics, who have created a collaborative approach to protect and advance freedom of expression and privacy in the information and communication technologies (ICT) sector. GNI provides resources for ICT companies to help them address difficult issues related to freedom of expression and privacy that they may face anywhere in the world. GNI has created a framework of principles and a confidential, collaborative approach to working through challenges of corporate responsibility in the ICT sector.