



## Challenges To Innovation And Progress In Communications: Watching Out for an Unintended Consequence

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S. 2291/HR 2652 -- even following some amendments that were pasted onto the House version of the bill just before and just after markup -- remain of concern to the companies that are building and utilizing the digital/Internet environment.

The Internet is itself a collection of inter-dependent databases. For example, the list of domain names is a database that depends on a look up table (another database) to translate the characters making up a domain name into an Internet address consisting of all numbers. Other tables (more databases) provide pathways over which to route messages across the Internet to the recipient's address.

It remains unclear that an entity may be able to assert a proprietary claim in any of these or the number of other databases that comprise the Internet, and could readily disrupt its operation, economics, accessibility to the public and robust growth. The bill has the potential to restrict access to any domain name system, unified directory, translation, routing or other lookup table essential to the functioning of the Internet in an open systems environment.

While the legislation that passed the House under a suspension of the rules (without any debate) includes exceptions for certain Internet functions and for subscriber list information needed for publishing traditional telephone directories to facilitate use of the public switched-voice network operated by common carriers under the Telecommunications Act -- communication networks of the future may not be covered. These network functions operate in a digital environment of computer-to-computer communications, offering enhanced information and telecommunications services.

The entire digital information environment, the effect on scientific inquiries and the overly-broad nature of the legislation can have a series of unintended consequences that deserve greater scrutiny by a number of relevant Congressional committees.

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