



ASSOCIATION OF
RESEARCH LIBRARIES



December 12, 2011

The Honorable Ron Wyden
223 Dirksen Senate Office Building
Washington, DC 20510-3703

The Honorable Darrell Issa
2347 Rayburn House Office Building
Washington, DC 20515-0549

The Honorable Jason Chaffetz
1032 Longworth House Office Building
Washington, DC 20510-4403

Dear Senator Wyden, Representative Issa, and Representative Chaffetz,

I write on behalf of the Library Copyright Alliance (LCA), which consists of three major library associations—the American Library Association, the Association of College and Research Libraries, and the Association of Research Libraries—that collectively represent over 139,000 libraries in the United States employing over 350,000 librarians and other personnel. We welcome your release of a discussion draft bill to address the problem of foreign infringing websites. Your effort to make the discussion draft available to the public for comment represents a positive model for public participation in the legislative process. Also, substantively, the draft bill represents a measured approach to enforcement of US copyrights on the global Internet.

A Measured Approach to Foreign Rogue Sites

LCA welcomes the discussion draft's measured approach to stopping copyright infringement on foreign websites. Foreign sites dedicated to copyright infringement pose a unique challenge to US copyright holders: such sites are beyond the jurisdiction of US courts and do not respond to notice-and-takedown requests sent pursuant to the Digital Millennium Copyright Act.

There is considerable controversy over a host of related issues, however. A bill that wades into these issues could upset the delicate balance of US copyright policy, which allows free speech, free inquiry, and free enterprise to flourish online while giving copyright holders appropriate powers to protect their interests. Bills that involve DNS blocking, or that threaten domestic sites with new liabilities, place important values at risk that need not be implicated in the fight against foreign rogue sites.

Your discussion draft bill deftly avoids these traps by taking a focused, follow-the-money approach that would dry up crucial funding sources for rogue sites without compromising the security of the web or changing the law for domestic Internet users and service providers. It places the problem of foreign infringing sites in proper context as primarily an international trade issue, and locates authority to address it with the International Trade Commission, which has expertise in adjudicating disputes involving foreign infringers.

Open, Transparent, and Inclusive Process

LCA welcomes the open and transparent process you have initiated by sharing a discussion draft of the Online Protection and Enforcement of Digital Trade (OPEN) Act on the Internet for all interested stakeholders to assess and discuss. We are pleased to see members of Congress acting on a principle that libraries champion: the Internet offers powerful new ways for citizens to learn about and participate in their society and in their government. Legislation that affects this broad, democratizing platform should be subject to an equally broad and open discussion, and it is fitting that the Internet itself makes that discussion possible. Thank you for inviting the public to engage in this important conversation.

We look forward to working with you on this issue.

Sincerely,

Brandon Butler
ARL Director of Public Policy Initiatives, on behalf of LCA