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Opinion: U.S. can't advocate open Internet abroad while denying it at home

By Ed Black Special to the Mercury News Posted: 12/02/2010 12:01:00 AM PST

Federal Communications Commission Chairman Julius Genachowski should be applauded for his announcement Wednesday that he would proceed on open Internet rules and for recognizing that "no central authority, public or private" should be a gatekeeper to the Internet. Unfortunately, his earlier plan more strongly protected Internet access.

While describing problems with Internet censorship overseas during my recent Senate Finance Committee testimony, I found it strikingly similar to our domestic struggle for Internet openness, known as net neutrality. Domestically or internationally, the principle of openness is the same -- and what we do here affects our credibility in fighting for Internet freedom abroad.

If the United States can't preserve open, neutral Internet access, our diplomats and trade representatives will be hard-pressed to object to Internet gate-keeping -- such as censorship and filtering -- by foreign countries. Whether a corporation wants to prioritize favored Internet traffic for commercial reasons, or a government wants to censor unfavorable traffic for political reasons, the same network tools, like deep packet inspection (DPI), are at work to control what gets through to end users, and when.

You don't have to understand DPI technology to decide whether you support mail or IP "packets" being opened and inspected along a delivery route and some third party deciding what should be done with the contents.

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40 years, our tech trade association has opposed excessive government regulation and been a voice for open markets, open systems and open networks.

We're against any government or dominant private company regulating the Internet itself. Of course, Internet access providers should manage traffic volumes and combat viruses. That's just good engineering. But the Internet is too valuable to allow any entity to decide what applications are available or to prioritize users or content.

The FCC must prevent dominant access providers from regulating the Internet. Here's why:

Network management by Internet access providers is increasingly sophisticated, but it should not cross the line into disfavoring the next new Internet application or Web offering because it has not paid for priority routing. Startups must be on a level playing field with incumbent services. Past innovations like YouTube and Facebook succeeded because they didn't need to seek permission from government or network operators.

Fortunately, the FCC has proposed some basic rules to protect consumers' access to the content of their choice. But it's unclear whether the rules would prevent a cable company from directing Internet traffic to its own video products free of charge without offering nondiscriminatory deals to competing video services.

If the FCC fails to keep Internet content neutral, the dominant phone and cable companies will maintain the incentive and leverage to prioritize content and users however they want. This would be a far more insidious form of "regulation" than rules the FCC proposed.

Without lots more competition among access providers, there needs to be a check on their power to discriminate and



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commercially regulate Internet activity.

The battle for open Internet access abroad is growing as a trade and diplomatic priority. We have rightfully asserted that access to information is a human rights issue for the world's citizens and a critical trade issue for companies that drive the information economy. To wage that campaign successfully abroad, we can't undermine the commitment to Internet freedom here.

The government has a clear interest and duty to protect public access to the open Internet at home.

ED BLACK is president and CEO of the Computer & Communications Industry Association. He wrote this article for this newspaper.

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