



Like 16K eEdition / Subscriber Services  
Mobile | Mobile Alerts | RSS

HOME NEWS BUSINESS TECH SPORTS ENTERTAINMENT BAY AREA LIVING OPINION MY TOWN HELP



JOBBS CARS REAL ESTATE CLASSIFIED SHOPPING

SEARCH Site Web Search by YAHOO!

San Jose, CA Now:72°F High:72°F Low:52°F city or zip

Recommend Send

Be the first of your friends to recommend this.

# Opinion: Good intentions and tech apathy aggravate Internet risks

By Ed Black  
Special to the Mercury News  
Posted: 05/30/2011 08:00:00 PM PDT

Every significant innovation in information technology -- from the photocopier to the VCR, DVR, mp3 player and YouTube -- brings legal or political responses aimed at restricting technology to protect government-granted copyright entitlements from disruptive new innovations.

Increasingly, the Internet itself is cast as the villain.

Such is the case with the Hollywood-backed Protect IP Act (PIPA, S. 968) introduced in the Senate this month. While its stated goal is to blacklist non-U.S. websites "dedicated to infringing activities," the bill is plagued by conceptual and practical flaws that create enforcement nightmares and threaten basic civil liberties and the very technical foundations of the Internet.

As a communications and technology association that represents rights holders as well as Internet companies, we recognize the value of encouraging creativity through copyrights.

But this proposal is a nuclear option that would break the Internet in pursuit of curbing infringement. Companies need to pay attention and get involved.

Like its predecessor introduced last year by Sen. Patrick Leahy, D-Vt., PIPA would allow rights holders to report sites for inclusion on U.S. government blacklists.

The Justice Department could then direct credit card companies, Internet access providers, ad networks and domain name servers to

Advertisement

789  
Get Your  
**FREE 2011 Credit Score NOW**  
**CLICK HERE!**  
TransUnion.

Click here for example savings!  
**Sunnyvale VW**

1 in 4 Children Will Go Hungry Tonight  
citiTeam  
**DONATE**

**Tap In BayArea**  
Know more. Enjoy more.  
Find a South Bay business  
**Local Deals**  
Use your Reusable Beehive Shopping Bag and SAVE 5% OFF your purchase!  
Beehive Health & Nutrit...

stop doing business with these blacklisted sites.

The new bill would go further by

Advertisement

demanding that search engines eliminate allegedly offending sites from search results.

As a longtime member of a State Department panel that recognizes information freedom as a human rights issue, I am especially concerned about Internet filtering and censorship even for seemingly noble reasons. The biggest threat to our Internet now is from PIPA and other measures that set dangerous, sweeping legal precedents while battling legitimate problems like infringement.

Civil libertarians previously worried about the Leahy bill's lack of due process should have even greater concerns now. Like Chinese authorities who praise their media for "restraint" when they censor information about democracy, PIPA rewards private-sector censorship by immunizing companies that voluntarily "disappear" or blacklist sites that may contain or point to infringing content.

What's more, PIPA allows plaintiffs' lawyers to tack on their own sheriff's badge by creating a private cause of action under which they can force other businesses to collaborate in blacklisting.

It is baffling that the Chamber of Commerce, which has opposed legislation inviting litigation bonanzas, supports a provision that will invite foreign entities to sue our businesses into blacklisting Internet sites.

All this will be ineffective at curbing infringement. Just as tearing a page out of the phone book doesn't disconnect people's phones, blacklisting Internet domain names doesn't block websites. Those who know the IP address or tweak their Web browsers can easily access blacklisted sites.

The government's track record on this is not encouraging. So far, U.S. Immigration and Customs Enforcement has had little success interdicting domestic piracy online, while inflicting collateral damage on legitimate websites. Yet instead of resisting efforts to co-opt the private sector into government censorship abroad, we now risk institutionalizing it at home.

The First Amendment reflects our founders' conviction that governments shouldn't be in the business of deciding who can and can't stand on a soapbox. This principle applies at home and abroad. When Egypt shut down the Internet to silence political dissent, the U.S. rightly voiced opposition. If we endorse censorship here, we export a technological model for any government to crackdown on any Internet content it dislikes.

We strongly urge companies that may not be actively involved in Washington policy issues to realize the profound change this legislation will impose on an open Internet and to help stop this legislation.

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

Most Viewed Most E-Mailed

(From the last 12 hours)



1. [Joe Montana wins deal for Santa Clara project next to 49ers stadium](#)
2. [MLB Commissioner Bud Selig says he won't hurry on A's move decision](#)
3. [Police Blotter](#)
4. [Stars mull options if 'Potter' hadn't come calling](#)
5. [Sunnyvale man drowns after falling off cliff in Hawaii](#)
6. [People: Arnold Schwarzenegger back on as star on new film](#)

### Recommendations

Login

You need to be logged into Facebook to see your friends' recommendations

[72-year-old, 65-year-old facing marijuana charges - San Jose Mercury News](#)  
16 people recommend this.



Facebook social plugin

### Top Classifieds

### You Might Be Interested In:

[Giants' Vogelsong has a story worth telling](#) (MercuryNews.com)

[Missing 3-year-old Campbell girl severely abused; couple arrested](#) (MercuryNews.com)

[Ted Danson joins 'CSI: Crime Scene Investigation'](#) (MercuryNews.com - Entertainment)

[Actor's daughter found guilty of manslaughter](#) (MercuryNews.com - Entertainment)

[Giants' Brian Wilson makes pitch for Mets' Carlos Beltran](#) (MercuryNews.com - Sports)

### From Around the Web:

[5 Things Not to Say to Someone Who's Trying to Quit Smoking](#) (Caring.com)

[Great video. Watch the fastest rapper on Youtube catch you up on "Damages."](#) (YouTube)

[How to Quiet Symptoms of Adult ADHD](#) (Lifescript.com)

[Peter Jennings Reporting: How to Get Fat Without Really Trying](#) (SnagFilms)

[The Best and Worst Products at Trader Joe's](#) (The Daily Meal)

[what's this]

• [FAQ: Article commenting how-tos and tips](#)

Be the first of your friends to recommend this.



Add a comment...

Facebook social plugin

### Local News

[Herhold](#)

[Pizarro](#)

[Obituaries](#)

#### [Steal My Options Secrets](#)

Free Course Reveals My 27 yrs Worth of Secrets for Triple SchaeffersResearch.com

#### [Low Cost Bail Bondsmen](#)

Get Fast, Cheap Bail - Search here for a local bail yellowpages.com

#### [Best Money Market Rates](#)

See Today's Money Markets From 100s of Banks. Plus News, bankrate.com

[RENTALS](#) [JOBS](#) [REAL ESTATE](#) [AUTOS](#)

[BMW 1987 325i Conv. Red. 5-S...](#)  
[Honda 2007 Accord](#)  
[HONDA 2008 Civi...](#)  
[JAGUAR '97 XJ6, new tires, fu...](#)  
[HONDA 1986 Accord, xInt, no d...](#)  
[DODGE](#)  
[CHEV Camaro,...](#)  
[CHEVROLET '70 C10](#)

[ALL LISTINGS](#)

Copyright © 2011 - San Jose Mercury News

[Place an Ad](#) | [About Our Ads](#) | [Help/Contact](#) | [Site Map](#) | [Advertise](#) | [Home Delivery](#) | [Copyright](#) | [Privacy Policy and Terms of Use](#) | [About MediaNews Group](#) | [RSS](#) | [Find San Jose jobs](#) | [Ethics Policy](#) | [About Bay Area News Group](#) |  

A  **MediaNews Group** WEBSITE

