The Non-Commercial Users Constituency

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December 14, 2011

The Non-Commercial Users Constituency (NCUC), which is part of the multistakeholder model of the Internet Corporation for Assigned Names and Numbers (ICANN) and represents more than 250 individuals, users, non-commercial and non-profit organizations from around the world, would like to express its profound concern with the proposed PROTECT IP Act (PIPA) and Stop Online Piracy Act (SOPA), which would mandate the blocking and filtering of the Domain Name System (DNS) to protect the interests of the US copyright industry.

In particular, NCUC is very concerned with the provisions in both Bills relating to Domain Name System (DNS) filtering. As identified by numerous technical, legal and policy experts:

* DNS filtering is often proposed as a way to block illegal content consumption by end users. Yet policies to mandate DNS filtering will be ineffective for that purpose and will interfere with cross-border data flows and services undermining innovation and social development across the globe.
* Filtering DNS or blocking domain names does not remove the illegal content – it simply makes the content harder to find. Those who are determined to download filtered content can easily use a number of widely available, legitimately-proposed tools to circumvent DNS filtering regimes. As a result, DNS filtering encourages the creation of alternative, non-standard DNS systems.
* DNS filtering a blocking raises human right and freedom of expression concerns, and often curtails international principles regarding the rule of law, due process and justice. Some countries have employed DNS filtering and blocking as a way to restrict access to the global Internet and to curb free speech.
* The United States has historically advocated for freedom of expression and has been a strong proponent of online Internet freedoms. The United States Government has a significant responsibility to balance its domestic obligations and their potential global impact, especially with respect to Internet policy. Given its commitment to global Internet freedom, it would be detrimental to the global Internet if the United States were to insist on such an approach.

NCUC believes that the implications of legislation, like PROTECT IP Act and SOPA, will have a negative impact upon the Internet’s design and can potentially create serious international political and legal problems. Interned freedom is of paramount importance and various organizations and institutions, like the OECD, the European Parliament, the Internet Society and the Council of Europe have committed to preserve this freedom; we request the United States to commit as well to preserving this freedom.

We would like to ask the members of the Committee to seriously consider those points expressed by a multitude of actors and organizations and not support legislation that undermines the global Internet.

Respectfully submitted

Dr Konstantinos Komaitis,

Chair of the Non-Commercial Users Constituency (on behalf of NCUC)