



January 17, 2012

The Honorable Lamar Smith
Chairman
Committee on the Judiciary
US House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Smith:

This letter is an urgent request to you, from the members of SEMPO, the global non-profit organization serving the search and digital marketing industry and marketing professionals engaged in it, to abandon the Internet censorship/blacklisting bills presently under consideration. If enacted, HR.3261, The Stop Online Piracy Act (SOPA) would negatively affect all Internet-based businesses, traditional businesses that have Internet presences or divisions, marketers and advertisers, and all online consumers – purportedly to help protect the rights of an infinitesimally smaller group.

The bill would not fix the problems they purport to solve, they are so vague that they would have implications far beyond their intentions, and better measures already exist that successfully address those very issues. For instance, the Digital Millennium Copyright Act of 1998 requires websites to remove links to fraudulently obtained material when the copyright holder requests it, and this provision has already been successfully invoked millions of times.*

These proposed regulations assume that all Internet businesses are bad actors, when all facts point to the contrary – the vast majority of businesses are willingly and voluntarily helping prevent IP theft and abuse now. These new bills would affect linking, websites, search engines, networks, and many other social applications. Unintended consequences of this legislation could cause serious long-term damage to the structure of the Internet, to our country's position as global technology leader and guardian of freedom, and to American businesses and jobs. The cure would be far worse than the disease.

Our members are intimately aware of the value of intellectual property. The mantra of most search marketers substantiates this: “Content is king.” Our members spend their days creating unique content for their clients so that consumers can better find and understand the clients’ products and services – and therefore be more likely to purchase them. We don’t like it when our content is duplicated or plagiarized either. It undermines our effectiveness. However, we find that we have all the laws and legal resources we need to fight IP theft right now. What SOPA seeks is not to target the perpetrators of IP theft or piracy, rather to impose upon innocent companies – companies that compose the Internet as a medium – a mandate to become policemen and lawyers, enforced with sanctions or jail time.

Ironically, SOPA would likely affect the websites of the IP owners represented by the very media companies that support the proposed legislation. For example, Carrie Underwood is a very well-known American singer and songwriter on the Arista Nashville music label – a label owned by Sony Music Entertainment, an RIAA member. Ms. Underwood’s website includes user-generated content on its forum: <http://www.carrieunderwoodofficial.com/us/forum>. If a fan posted a link on that forum to a Carrie Underwood song hosted without permission, under SOPA the entire site could be shut down – and Google.com and Bing.com could be punished if they allowed fans to find the site via their search services. On the other hand, the song pirate – and people who download stolen material – would have no more incentive to stop than under existing law.

Other organizations and individuals have addressed with you the implications these regulations could have relative to destabilizing the Internet Domain Name System and creating broad security issues. Other organizations and companies have made it clear that they, and many like them, would be likely to move their operations outside of the United States to avoid the onerous impositions of these bills. These are the innovators that have put America at the forefront of Internet innovation, and that position would leave our shores with them.

Likewise, our 2,000+ members, the tens of thousands of U.S. employees they represent and the billions of dollars we help our clients earn every year – could also very easily disappear under SOPA.

We believe this bill would seriously endanger the Internet and we urge you to oppose HR.3261.

We would welcome the opportunity to discuss the matter with you. You can reach a representative from SEMPO by phone at +1-781-876-6265 or email at cmadden@sempo.org.

Sincerely,

SEMPO Board of Directors



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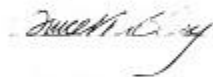
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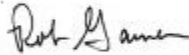
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*Testimony of Katherine Oyama, Copyright Counsel, Google, Inc., before the House of Representatives
Committee on the Judiciary, hearing on HR 3261, November 16, 2011,

<http://judiciary.house.gov/hearings/pdf/Oyama%2011162011.pdf>