

## Senate Commerce Committee Nominee Questionnaire, 117th Congress

Instructions for the nominees: The Senate Committee on Commerce, Science, and Transportation asks you to provide typed answers to each of the following questions. It is requested that the nominee type the question in full before each response. Do not leave any questions blank. Type “None” or “Not Applicable” if a question does not apply to the nominee. Return printed answers to Committee. Begin each section (i.e., “A”, “B”, etc.) on a new sheet of paper.

### A. BIOGRAPHICAL INFORMATION AND QUALIFICATIONS

1. Name (Include any former names or nicknames used):

Gigi Beth Sohn

2. Position to which nominated:

Commissioner, Federal Communications Commission

3. Date of Nomination:

October 26, 2021

4. Address (List current place of residence and office addresses):

[REDACTED]

5. Date and Place of Birth:

Date of Birth: August 2, 1961. Place of Birth: Rockville Centre, New York

6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage).

Spouse: Lara Ann Ballard, Privacy and Intelligence Oversight Officer, Office of Investigations and Analysis, U.S. Department of Homeland Security

Children: [REDACTED]

7. List all college and graduate degrees. Provide year and school attended.

College: Boston University, September 1979-May 1983. Graduated with a B.S. in Broadcasting and Film, *Summa Cum Laude*

Law School: University of Pennsylvania Carey School of Law, September 1983-May 1986. Graduated with a Juris Doctor.

8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

**Secondary Mortgage Company**, Boston Massachusetts  
*Clerk, Summer 1983*

**Boston Colonial Theater**, Boston Massachusetts  
*Bartender, Summer 1983*

**Quincy Market Engraving Station**, Boston Massachusetts  
*Retail Clerk/Engraver, Summer 1983*

**DC Court of Appeals**, Washington, DC  
*Law Clerk, Summer 1984*

**Zuckert, Scoutt & Rasenberger**, Washington, DC  
*Summer Associate, Summer 1985*  
*Associate, September 1986-August 1988*

**Tomar, Parks, Seliger, Simonoff & Adourian**, Haddonfield, New Jersey (now defunct)  
*Law Clerk, School Year 1985*

**University of Pennsylvania Law School Civil Practice Clinic**, Philadelphia, PA  
*Law Clerk, Summer 1986*

**Media Access Project, Washington, DC (Management-level)\***  
*Executive Director, September 1996 to March 1999*  
*Deputy Director, November 1990 to August 1996*  
*Staff Attorney, September 1988 to October 1990*

**Benjamin N. Cardozo School of Law, Yeshiva University, New York, NY\***  
*Adjunct Professor, January 2001 to May 2001*

**Ford Foundation, New York, NY\***

*Project Specialist, August 2000 to January 2001*

*Consultant, May 1999 to July 2000*

**Public Knowledge, Washington, DC (Management-level)\***

*Co-Founder, President & Chief Executive Officer, August 2001 to October 2013*

**Georgetown University, Washington, DC\***

*Adjunct Professor, Fall 2002*

**Federal Communications Commission, Washington, DC (Management-level)\***

*Counselor to the Chairman, March 2015 to December 2016*

*Special Counsel for External Affairs, November 2013 to February 2015*

**Self-Employed, Washington, DC (see Fellowships below)\***

*January 2017 to present*

**Institute for Technology Law & Policy at Georgetown Law, Washington, DC\*  
(Management-level)**

*Distinguished Fellow, April 2017 to present*

**Benton Institute for Broadband and Society, Chicago, IL\***

*Senior Fellow and Public Advocate, October 2017 to present*

**Open Society Foundations, New York, NY\***

*Leadership in Government Fellow, January 2017-January 2018*

**Mozilla Foundation, San Francisco, CA\***

*Fellow, February 2017-November 2018*

\*Indicates a job that relates to the position for which I am nominated.

9. Attach a copy of your resume.

Attached (Attachment A).

10. List any advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.

**University of Colorado School of Law, Silicon Flatirons Center for Law,  
Technology & Entrepreneurship**

*Senior Adjunct Fellow, March 2008 to October 2013*

**Center for Copyright Information**

*Member, Advisory Board, September 2011 to October 2013*

**Open Markets Institute**

*Member, Advisory Board, March 2020 to present*

**Engelberg Center on Law & Innovation Policy, NYU Law School**

*Member, Advisory Board, November 2019 to present*

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

**Sports Fans Coalition NY, Inc.**

*Board Member, March 2020 to present*

**Electronic Frontier Foundation (EFF)**

*Board Member, December 2018 to present*

**Broadband Internet Technical Advisory Group (BITAG)**

*Co-Chair, December 2011 to October 2013*

*Member, Board of Directors, December 2010 to October 2013*

**Telecommunications Policy Research Conference (TPRC)**

*Member, Board of Directors, November 2006 to December 2012*

*Board Treasurer, January 2010-December 2012*

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religiously affiliated organization, private club, or other membership organization. (For this question, you do not have to list your religious affiliation or membership in a religious house of worship or institution.). Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or disability.

Palisades Swim and Tennis Club, Cabin John, MD: 2014-present

- Dues paying member

Confidence During Kaos (CDK) Krav Maga, Chevy Chase, MD: 2017-July 2021

- Dues paying member

Circle Yoga, Washington, DC: 2011-June 2021

- Dues paying members

Democratic Party, Washington, DC: 2011-present

- Members by party affiliation

DC Bar, Washington, DC: 2011-present

- Dues paying member
- Member, DC Bar Board of Governors: 1997-2000

Federal Communications Bar Association, Washington, DC: 2011-present

- Dues paying member
- Served on nominations Committee
- Served as a featured speaker and mentor at many FCBA events

Ben Murch Home and School Association, Washington, DC: 2011-2016

- Dues paying member

Alice Deal Community Association, Washington, DC: 2016-2019

- Dues paying member

National Museum of African-American History and Culture, Washington, DC:  
2016-present

- Charter member/Director's Circle Member

Friends of the National Zoo, Washington, DC: 2011-2020

- Dues paying member

Politics & Prose, Washington, DC: est. 2012-present

- Dues paying member

Electronic Frontier Foundation, San Francisco, CA: 2017-present

- Board Member
- Dues paying member

National Museum of the American Indian, Washington, DC: est. 2014-2018

- Dues paying members

WAMU: 88.5 FM, Washington, DC: 2011-present

- Dues paying sustaining member

WWOZ New Orleans 90.7, New Orleans, LA: 2016-present

- Dues paying sustaining members

Consumer Reports, Yonkers, NY: 2017-present

- Dues paying member

National LGBTQ Task Force, Washington, DC: est. 2013-2018

- Dues paying member

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt.

I have never been a candidate for nor held a public office.

14. List all memberships and offices held with and services rendered to, whether compensated or not, any political party or election committee within the past ten years. If you have held a paid position or served in a formal or official advisory position (whether compensated or not) in a political campaign within the past ten years, identify the particulars of the campaign, including the candidate, year of the campaign, and your title and responsibilities.

I am a member of the Democratic party but have never held any position, paid or otherwise, in the party.

I served as a policy volunteer for the Biden-Harris Campaign from July 2020-November 2020 and as a policy volunteer for the Obama-Biden Campaign from May 2008-November 2008.

15. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years.

Biden for President (2020): \$2985.69

Biden Victory Fund (2020): \$1885.69

Warren for President (2020): \$1418.30

Booker Senate Victory/Cory Booker for Senate (2017): \$500

Hillary for America (2016): \$1055.56

Hillary Victory Fund (2016): \$805.56

The Markey Committee (2013-2019): \$1600

Tammy Baldwin For Senate (2012-2018): \$1000

Obama For America (2012): \$2750

Obama Victory Fund (2012): \$1750

16. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

### **Fellowships**

#### **Distinguished Fellow, Georgetown Law Institute for Technology Law & Policy**

*Distinguished Fellow, April 2017-present*

#### **Senior Fellow and Public Advocate, Benton Institute for Broadband & Society**

*Senior Fellow and Public Advocate, October 2017 to present*

#### **Mozilla Fellow**

*Fellow, February 2017-November 2018*

#### **Open Society Foundations Leadership in Government Fellow**

*Leadership in Government Fellow, January 2017-January 2018*

#### **University of Colorado School of Law, Silicon Flatirons Center for Law, Technology & Entrepreneurship**

*Senior Adjunct Fellow, March 2008 to October 2013*

**University of Southern California – Annenberg Center**  
*Non-resident Fellow, October 2006 to January 2008*

**University of Melbourne Faculty of Law, Graduate Studies Program,  
Melbourne, VIC**  
*Senior Fellow, June 2000*

## **Honors**

Washingtonian “Washington’s Most Influential People” (March 2021)

National Journal “NJ 50: 50 people changing the game in Washington” (November 2019)

Office of Communication of the United Church of Christ, Everett C. Parker Award (October 2018)

Coalition for Local Internet Choice “National Champion for Local Internet Choice” Award (October 2016)

One Community “Broadband Hero” Award (September 2014)

*Non-Profit Times* “Power & Influence Top 50.” (August 2011)

Electronic Frontier Foundation Pioneer Award (May 2006)

Gay and Lesbian Attorneys of Washington (GAYLAW) Distinguished Community Service Award (December 1997)

*American Lawyer Magazine*’s “The Public Sector 45: Forty-five Young Lawyers Outside the Private Sector Whose Vision and Commitment are Changing Lives” (January/February 1997)

*National Law Journal*’s “40 Young Attorneys Who Are Making Their Mark” (November 1995)

17. Please list each book, article, column, Internet blog posting, or other publication you have authored, individually or with others. Include a link to each publication when possible. Also list any speeches that you have given on topics



relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed.

List of publications and speeches attached (Attachment B).

18. List all digital platforms (including social media and other digital content sites) on which you currently or have formerly operated an account, regardless of whether or not the account was held in your name or an alias. Include the name of an “alias” or “handle” you have used on each of the named platforms. Indicate whether the account is active, deleted, or dormant. Include a link to each account if possible.

My website, which includes most of the news stories in which I’m quoted, as well as most of my speeches, testimony and press statements from 2017-present:

<http://gigisohn.com/>

All the episodes of my “Tech on the Rocks” podcast are [here](#).

My current Twitter handle is @gigibsohn. When I worked at the FCC from 2013-2016, my Twitter handle was: @gigibsohnFCC. The FCC account has been dormant/inactive since the day I left the agency.

My Facebook page can be found at <https://www.facebook.com/gigi.b.sohn>

My LinkedIn page can be found at <https://www.linkedin.com/in/gigisohn/>

19. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony.

List of testimony attached (Attachment C).

20. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

I have spent nearly my entire career as an advocate for universal and affordable access to open and democratic communications networks, be they broadcast, cable, telephone or broadband. That is the exact statutory mission of the FCC – to ensure

that everyone in the US has access to and can use the networks that are central to an informed democracy, a strong economy and an open society. That goal is more important today than it has ever been, as access to broadband is essential to full participation in our society and our economy and our education and health care systems.

In addition to my substantive knowledge, I co-founded and built the non-profit organization Public Knowledge, and successfully managed it for 12 years. I left the organization in strong financial and managerial health, and it recently celebrated its 20<sup>th</sup> anniversary. During my tenure as Counselor to former Chairman Wheeler, I became intimately familiar with the inner workings of the FCC. I worked with nearly every Bureau and Office, including the other Commissioners' offices, the Managing Director's office and other technical and administrative offices.

Finally, over the past 30+ years, I have built a network of colleagues, friends and advisors from across industries and sectors, including philanthropy, academia, the public interest community and federal, state and local policymakers. This network will be critical to addressing what I believe is the FCC's biggest challenge – ensuring that every household in the US has affordable and robust broadband Internet access.

21. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

As a member of the FCC, I believe that I would have a duty to ensure that the agency has proper management and accounting controls. I was the President and CEO of the non-profit Public Knowledge for 12 years, and while it was not a large organization, it had its own challenges regarding management and accounting, albeit on a smaller scale. I was a CEO that hired a strong executive team, but took ultimate responsibility for the finances and management of the organization.

22. What do you believe to be the top three challenges facing the department/agency, and why?

- The FCC's top challenge is ensuring that every household in the US has affordable and robust broadband Internet access. The COVID-19 pandemic made abundantly clear that tens of millions of people in the US lack affordable and robust broadband Internet, and that such connectivity is essential to ensure full participation in our society, our economy, our

education and health care systems and our civic life. The FCC has many tools at its disposal to connect the unconnected, but they must be deployed wisely and effectively. Moreover, achieving the goal of universal and affordable broadband Internet access will take an “all-hands-on-deck” approach, with the federal government, states, rural and urban communities, the philanthropic sector, and industry working together to build and execute a blueprint for universal broadband. The FCC must be a leader in building and executing this blueprint.

- Another major challenge for the FCC is ensuring that our communications networks are resilient and secure. There have been too many instances over the past 5 years of networks failing, often for long periods of time, as a result of major natural disasters, which are becoming increasingly common. The FCC must hold network operators to high standards of resiliency to ensure that people can stay connected when it is a matter of life and death. In addition, the FCC must ensure that our networks are safe from malevolent actors here and abroad. News of cyberattacks seem to arise almost daily, and the most prominent of these, the Colonial Pipeline and Solar Winds hacks, relied on commercial internet providers to do their harm. The interconnected broadband networks that underpin our digital economy are among our most vulnerable attack conduits. Thus, the FCC must ensure that cybersecurity is an essential duty for network providers. This means developing an oversight regime that requires network providers to determine best practices, subject to regulatory oversight.
- A third major challenge for the FCC is developing spectrum policy with its federal government colleagues that will balance making significant amounts of spectrum for 5G mobile broadband service (and making that spectrum available to a wide variety of users) with also making significant amounts of spectrum available for innovative unlicensed uses. Sound spectrum policy is only possible with close coordination between the FCC and other government agencies, including state and local governments, which are critical to lowering barriers to deployment of 5G and wireline broadband infrastructure.

## **B. POTENTIAL CONFLICTS OF INTEREST**

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts.

In connection with the nomination process, I have consulted with the U.S. Office of Government Ethics and the Federal Communication Commission's Designated Agency Ethics Official to identify potential conflicts of interest. If confirmed, any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement that I have entered into with the Commission's Designated Agency Ethics Official. I am not aware of any other potential conflicts of interest.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain.

No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the U.S. Office of Government Ethics and the Federal Communication Commission's Designated Agency Ethics Official to identify potential conflicts of interest. If confirmed, any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement that I have entered into with the Commission's Designated Agency Ethics Official. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated. Explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the U.S. Office of Government Ethics and the Federal Communication Commission's Designated Agency Ethics Official to identify potential conflicts of interest. If confirmed, any

potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement that I have entered into with the Commission's Designated Agency Ethics Official. I am not aware of any other potential conflicts of interest.

5. Identify any other potential conflicts of interest, and explain how you will resolve each potential conflict of interest.

In connection with the nomination process, I have consulted with the U.S. Office of Government Ethics and the Federal Communication Commission's Designated Agency Ethics Official to identify potential conflicts of interest. If confirmed, any potential conflicts of interest will be resolved in accordance with the terms of the ethics agreement that I have entered into with the Commission's Designated Agency Ethics Official. I am not aware of any other potential conflicts of interest.

6. Describe any activity during the past ten years, including the names of clients represented, in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

During the past ten years, both in my capacity as President and CEO of Public Knowledge, in my current and previous Fellowship positions and in my personal capacity I have influenced the passage, defeat and modification of legislation and affected the administration and execution of law and public policy. This includes proposed and adopted laws and policies affecting communications, competition and technology law and policy. I have been asked for advice and guidance by Hill and agency staff, have been asked to testify numerous times, have written, spoken and appeared in media about such proposed laws and policies.

I have not represented any clients in these matters.

## C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:

a. Provide the name of agency, association, committee, or group;

b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;

c. Describe the citation, disciplinary action, complaint, or personnel action;

d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain.

No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

Yes. In 2014 a former employee of Public Knowledge who was terminated for poor performance, refusal to abide by the terms of a Performance Improvement Plan, and insubordination, filed an age discrimination complaint against the organization with the DC Office of Human Rights. The Office dismissed the complaint as without merit.

In addition, Sports Fans Coalition NY, Inc. (SFCNY), a non-profit corporation which I serve as a board member, had a service (Locast) that operated under a statutory copyright exemption for non-profits (17 USC 111(a)(5)). In 2019 an action was brought against SFCNY by four broadcast networks in the District Court for the Southern District of New York. On August 31, 2021, the District Court determined that the exemption did not apply and Locast ceased providing service. The matter has been settled.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain.

No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain.

I have never been so accused in my personal capacity. However, in 2014 a former employee of Public Knowledge who was terminated for poor performance, refusal to abide by the terms of a Performance Improvement Plan, and insubordination, filed an age discrimination complaint against the organization with the DC Office of Human Rights. The Office dismissed the complaint as without merit.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination.

None.

#### **D. RELATIONSHIP WITH COMMITTEE**

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees, and that your department/agency endeavors to timely comply with requests for information from individual Members of Congress, including requests from members in the minority?

Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures?

Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee?

Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so?

Yes.




**F. AFFIDAVIT**

Gigi Beth Sohn, being duly sworn, hereby states that she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of her knowledge, current, accurate, and complete.

  
\_\_\_\_\_  
Signature of Nominee

Subscribed and sworn before me this 1<sup>st</sup> day of Nov, 2021.

  
\_\_\_\_\_  
Notary Public



## ATTACHMENT A

**GIGI B. SOHN**



### EXPERIENCE

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#### **Institute for Technology Law & Policy at Georgetown Law, Washington, DC**

*Distinguished Fellow, April 2017-present*

- Engage in public education, outreach, coalition building and advocacy to preserve policies that have made broadband Internet access more ubiquitous, competitive, affordable, open and protective of user privacy.
- Provide strategic and policy advice to public interest advocates, industry policymakers and philanthropies.
- Frequent public speaker and guest on radio, television and podcasts on communications, media and technology law and policy.
- Host of “Tech on the Rocks” podcast, which focuses on communications, media and technology policy and its impact on Americans.

#### **Benton Institute for Broadband and Society, Chicago, IL**

*Senior Fellow and Public Advocate, October 2017 to present*

#### **Open Society Foundations, New York, NY**

*Leadership in Government Fellow, January 2017-January 2018*

#### **Mozilla Foundation, San Francisco, CA**

*Fellow, February 2017-November 2018*

#### **Federal Communications Commission, Washington, DC**

*Counselor to the Chairman, March 2015 to December 2016*

*Special Counsel for External Affairs, November 2013 to February 2015*

- Chief liaison to public interest, academic and industry stakeholders for federal agency that regulates communications networks.
- Advised Chairman Tom Wheeler on a wide variety of communications policy issues, including net neutrality, municipal broadband, universal service programs, tribal broadband, privacy and consumer protection.
- Keynote speaker at 20+ conferences and events annually representing the Chairman.
- Conducted outreach to press and public through various means, including social media.

**Public Knowledge, Washington, DC**

*President & Chief Executive Officer, August 2001 to October 2013*

- Co-Founder and Chief Executive Officer of public interest organization focusing on the consumer and civic dimensions of the Internet, digital technologies and intellectual property.
- Testified before Congressional Commerce and Judiciary Committees.
- Managed and supervised 20-25 employees, up to 6 law clerks and 3 program consultants.
- Frequent guest on national and local radio and television and a speaker at dozens of conferences and seminars annually.

**University of Colorado School of Law, Silicon Flatirons Center for Law, Technology & Entrepreneurship**

*Senior Adjunct Fellow, March 2008 to October 2013*

**University of Southern California – Annenberg Center**

*Non-resident Fellow, October 2006 to January 2008*

**Georgetown University, Washington, DC**

*Adjunct Professor, Fall 2002*

**Ford Foundation, New York, NY**

*Project Specialist, August 2000 to January 2001*

*Consultant, May 1999 to July 2000*

- Developed strategic vision for new funding program in media policy and technology.
- Developed and negotiated grants totaling \$6,000,000 in FY99-01.

**Benjamin N. Cardozo School of Law, Yeshiva University, New York, NY**

*Adjunct Professor, January 2001 to May 2001*

**University of Melbourne Faculty of Law, Graduate Studies Program, Melbourne, VIC**

*Senior Fellow, June 2000*

**Media Access Project, Washington, DC**

*Executive Director, September 1996 to March 2000*

*Deputy Director, November 1990 to August 1996*

*Staff Attorney, September 1988 to October 1990*

- Served as chief executive of public interest communications law firm.
- Litigated mass media, new technology and First Amendment issues before the Federal Communications Commission, Federal Courts and the United States Supreme Court.

PROFESSIONAL APPOINTMENTS AND ACTIVITIES (partial listing)

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**Biden-Harris Campaign**

*Policy Volunteer, July 2020 to November 2020*

**Sports Fans Coalition NY, Inc.**

*Board Member, March 2020 to present*

**Open Markets Institute**

*Advisory Board Member, January 2020 to present*

**Electronic Frontier Foundation (EFF)**

*Board Member, December 2018 to present*

**Broadband Internet Technical Advisory Group (BITAG)**

*Co-Chair, December 2011 to October 2013*

*Member, Board of Directors, December 2010 to October 2013*

**Center for Copyright Information**

*Member, Advisory Board, September 2011 to October 2013*

**Obama-Biden Campaign**

*Policy Volunteer, May 2008-November 2008*

**Advisory Committee on the Public Interest Obligations of Digital Television Broadcasters, Washington, DC (“Gore Commission”)**

*Member, October 1997 to December 1998*

**District of Columbia Bar Board of Governors, Washington, DC**

*Member, June 1997 to June 2000*

**District of Columbia Bar Task Force on Sexual Orientation and the Legal Workplace**

*Member, February 1996-March 1999*

**Gay and Lesbian Attorneys of Washington (GAYLAW)**

*President, October 1994-September 1997*

EDUCATION

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**University of Pennsylvania, Law School, Philadelphia, PA**

*Juris Doctor, May 1986*

**Boston University, College of Communication, Boston, MA**

*Bachelor of Science in Broadcasting and Film, May 1983; Summa Cum Laude*

PUBLICATIONS (partial listing)

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I have had articles published in, among others, the *Washington Post*, *CNN.com*, *Wired*, *Buzzfeed*, *NBC News Think*, *The Wall Street Journal*, *Variety*, *Legal Times*, *The Verge*, *Mashable* and *The Hill*. I have also been an online columnist for the *New York Times*, *Washington Post* and *Wired*.

I have had book chapters published in *Regulators Revenge*, *The Future of Telecommunications Deregulation*, (Cato Institute 1998); *The Future of Media*, (Seven Stories Press 2005) and *Media, Technology and Society: the Challenge of Digital Evolution* (University of Michigan Press, 2009). I have had six law review articles published.

HONORS AND AWARDS (partial listing)

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**Washingtonian “Washington’s Most Influential People” (March 2021)**

**National Journal “NJ 50: 50 people changing the game in Washington” (November 2019)**

**Office of Communication of the United Church of Christ, Everett C. Parker Award (October 2018)**

**Coalition for Local Internet Choice “National Champion for Local Internet Choice” Award (October 2016)**

**One Community “Broadband Hero” Award (September 2014)**

***Non-Profit Times* “Power & Influence Top 50.” (August 2011)**

**Electronic Frontier Foundation Pioneer Award (May 2006)**

## ATTACHMENT B

### Gigi Sohn Publications & Speeches

#### *Blog Posts & Opinion Articles*

Benton Digital Beat: [Mapping, Impact & Adoption: A Research Agenda For Effective Broadband Policy](#) (Remarks before the Association of Public and Land-Grant Universities, January 28, 2021)

TechDirt Policy Greenhouse: [The Trump FCC Has Failed to Protect Low-Income Americans During a Health Crisis](#) (December 4, 2020)

ProMarket: [The Trump FCC Can't and Shouldn't Be the Internet Speech Police](#) (November 5, 2020)

Day One Project: [Restoring the Federal Communications Commission's Authority to Oversee the Broadband Market](#) (October 2020)

Wired: [Trump's FCC is Using Junk Data to Downplay Broadband Woes](#) (September 29, 2020)

CNN Business: [How to Make Broadband Affordable and Accessible for Everyone](#) (September 9, 2020)

TechDirt Policy Greenhouse: [The Most Important Privacy Case You've Never Heard Of](#) (June 30, 2020)

Wired: [During the Pandemic, the FCC Must Provide Internet for All](#) (April 28, 2020)

Benton Digital Beat: [Remembering Henry Geller](#) (April 13, 2020)

The Verge: [The FCC should let itself do more to keep Americans connected during the pandemic](#) (March 26, 2020)

Benton Digital Beat: [In Support of Maryland Net Neutrality Act](#) (Testimony to Economic Matters Committee, Maryland House of Delegates, February 26, 2020)

Benton Digital Beat: [Digital Equity and Broadband Adoption](#) (Testimony before the U.S. House of Representatives, Committee on Energy & Commerce, Subcommittee on Communications & Technology, January 29, 2020)

Benton Digital Beat: [The State of Broadband 2020](#) (January 28, 2020)

Benton Digital Beat: [The Not So Good, Very Bad and Really Weird Merger of T-Mobile and Sprint](#) (Remarks to NTCA Rural Broadband Association Fall Legal Seminar, November 20, 2019)

Benton Digital Beat: [Moving Backwards: consolidation, deregulation & lack of accountability in the US media and broadband industries](#) (September 23, 2019)

Benton Digital Beat: [Nothing is Normal About the T-Mobile-Sprint Merger Review](#) (June 18, 2019)

Wired: [Why a T-Mobile Sprint Merger Would Be Bad for the Public](#) (May 22, 2019)

Benton Digital Beat: [Protect Privacy in Maine](#) (Testimony Before the Energy, Utilities and Technology Committee, Maine LD 946, an Act to Protect the Privacy of Online Customer Personal Information, April 24, 2019)

Benton Digital Beat: [Social Justice or Inequality: The Heart of the Net Neutrality Debate](#) (Remarks before University of Pittsburgh Law School Symposium on Net Neutrality, March 1, 2019)

Benton Digital Beat: [Flexibility, Humility, Connectivity: Three Ingredients for a Successful Career](#) (Remarks before the Penn Law Women's Association Annual Dinner, February 6, 2019)

ProMarket: [One Year After the Net Neutrality Repeal: the FCC Has Abdicated Its Role Protecting Consumers and Competition](#) (December 14, 2018)

Medium: [One Year Later, Net Neutrality is Needed More than Ever](#) (December 14, 2018)

Benton Digital Beat: [Cities \(and States\) are Doing it for Themselves](#) (Remarks before New England Connect) (November 8, 2018)

Benton Digital Beat: [Bending the Arc Towards Media and Social Justice](#) (Remarks upon receiving the Everett C. Parker Award) (October 11, 2018)

NBC News Think: [Brett Kavanaugh's net neutrality views could have a broad impact if he joins the Supreme Court](#) (September 4, 2018)

NBC News Think: [Losing Net Neutrality Made it Harder for Santa Clara to Fight its Wild Fires](#) (August 24, 2018)

ProMarket: [Would Sen. Warner's Ambitious Plan to Regulate Social Media Giants "Ruin" the Internet—Or Save it?](#) (August 13, 2018)

Benton Digital Beat: [The US Needs a New Policy Framework for an Open Internet Ecosystem](#) (July 28, 2018)

Benton Digital Beat: [Competition Policy for an Open Internet Ecosystem](#) (July 25, 2018)

Benton Digital Beat: [Regulatory Oversight and Privacy Policy for an Open Internet Ecosystem](#) (July 24, 2018)

Medium: [Progress in a Hostile Political Environment: Raising Awareness and Recruiting Foot Soldiers in the Battle for an Open Internet](#) (June 15, 2018)

Medium: [The Time to get the Net Neutrality Rules Back is Now](#) (May 15, 2018)

Buzzfeed News: [Two Companies Won, American Democracy Lost](#) (June 14, 2018)

Wired: [Promises Mean Little for Consumers in T-Mobile-Sprint Deal](#) (May 18, 2018)

Wired: [Ajit Pai's Plan Will Take Away Broadband from Poor People](#) (with Amina Fazlullah) (February 21, 2018)

New York Daily News: [Online innovation at risk following FCC's repeal of net neutrality rules](#) (December 14, 2017)

Mashable: [The FCC's proposal to kill net neutrality is worse than you think](#) (November 22, 2017)



The Verge: [The FCC is having a terrible month, and consumers will pay the price](#) (November 15, 2017)

Medium: [Fighting for Fast, Fair and Open Networks](#) (October 11, 2017)

The Verge: [It's time for Congress to fire the FCC chairman](#) (September 27, 2017)

American Constitution Society ACS Blog: [The Assault on the Open Internet](#) (June 24, 2017 – no longer available online)

Mashable: [How to write an impactful net neutrality comment \(which you should definitely do\)](#) (June 17, 2017)

The Verge: [Breaking down the FCC's proposal to destroy net neutrality](#) (May 24, 2017)

Mashable: [What to expect when you're expecting the net neutrality debate to begin](#) (May 15, 2017)

Axios: [Repealing net neutrality hurts innovators, consumers](#) (April 27, 2017)

Mashable: [Consumers and innovators will lose if we kill net neutrality](#) (April 17, 2017)

The Verge: [The FCC's plan to kill net neutrality will also kill internet privacy](#) (April 11, 2017)

The Verge: [You have just hours to stop Congress from giving away your web browsing history](#) (March 28, 2017)

The Hill: [FCC, FTC are playing a shell game with online privacy](#) (March 18, 2017)

Axios: [Real net neutrality is rooted in Title II](#) (March 2, 2017)

Benton Digital Beat Blog: [First Lifeline, Now Broadband Program for Schools and Libraries in the FCC's Crosshairs](#) (Feb. 22, 2017)

Benton Digital Beat Blog: [Defending the Indefensible: Chairman Pai's Lifeline Reversal Will Widen the Digital Divide](#) (February 9, 2017)

The Daily Dot: [The end of Big Cable’s control over your TV set-top box is nigh](#) (June 22, 2016)

Wall Street Journal: [Should Congress Overturn the Net Neutrality Rules?](#) (March 17, 2013)

New York Times Room for Debate: Who Gets Priority on the Web? [Consumer Choices on the Internet](#) (February 21, 2013)

Billboard: [Universal EMI Deal Would Harm Music Fans and Musicians](#) (with Jodie Griffin) (July 16, 2012)

My Huffington Post blog posts from 2011-2013 can be found [here](#).

My Public Knowledge Blog Posts from 2006-2013 can be found [here](#).

CNET: [Don’t Blow it Congress](#) (March 14, 2006)

Washington Post: [Fairness, Not Silence](#) (January 31, 1994)

Electronic Media: Fairness Doctrine Debate with Rush Limbaugh (est. early 1990’s)

I had articles published in Variety and the Legal Times in the 1990’s, but I can’t remember the topics and can’t find them online.

### ***Journal Articles & Book Chapters***

I have had book chapters published in [Regulators Revenge, The Future of Telecommunications Deregulation](#), (Cato Institute 1998); [The Future of Media](#), (Seven Stories Press 2005) and [Media, Technology and Society: Theories of Media Evolution](#) (University of Michigan Press, 2009).

I have had six law review articles and notes published:

- [Social Justice or Inequality: The Heart of the Net Neutrality Debate](#), 80 University of Pittsburgh Law Review 779 (2019)

- [\*A Policy Framework for an Open Internet Ecosystem\*](#), 2 Geo. Law Tech. Rev. 335 (2018)
- [\*Reflecting on 20 years Under the Telecommunications Act of 1996\*](#), 68 Federal Communications Law Journal 58 (2017)
- [\*The Gore Commission Ten Years Later: Reimagining the Public Interest Standard in an Era of Spectrum Abundance\*](#), 17 CommLaw Conspectus 657 (2009)
- [\*Don't Mess With Success: Government Technology Mandates and the Marketplace for Online Content\*](#), 5 Journal on Telecommunications and High Technology Law, 73 (2006)
- [\*Broadcast Licensees and Localism: At Home in the Communications Revolution\*](#), 47 Federal Communications Law Journal, 384 (1994)(with Andrew Jay Schwartzman)

### *Speeches*

[I'm fairly positive that I gave speeches prior to 2008, but I don't have copies, can't recall them, and can't find them online]

[Mapping, Impact and Adoption: A Research Agenda for Effective Rural Broadband Policy](#) (Remarks to the Association of Public Land Grant Universities, January 28, 2021)

[The Not So Good, Very Bad and Really Weird Merger of T-Mobile and Sprint](#) (Speech NTCA: The Rural Broadband Association Fall Legal Seminar, November 20, 2019)

[Moving Backwards: Consolidation, Deregulation & Lack of Accountability in the US Media & Broadband Industries](#) (Remarks to Centro De Investigacion y Docencia Economicas, A.C. Competencia en Telecomunicaciones y Radiofusion: Disrupcion Technoglica y Neutralidad de Redes, September 23, 2019)

[Social Justice or Inequality: The Heart of the Net Neutrality Debate](#) (Remarks to the University of Pittsburgh Law Review Symposium: The Net Without Neutrality, Economic, Regulatory and Informational Impacts, March 1, 2019)

[Flexibility, Humility, Connectivity: Three Ingredients for a Successful Career](#) (Remarks to the Penn Law Women's Association Dinner, February 19, 2019)

[Remarks before Connected New England 11](#) (November 8, 2018)

[Bending the Arc Towards Media & Social Justice](#) (Remarks to the Office of Communication of the United Church of Christ Everett C. Parker Lecture, October 11, 2018)

[The FCC: Can't Live With it, Don't Want to Live Without it](#) (Remarks to the Great Lakes Connect Conference, September 26, 2018)

[Remarks on the Future of Local Internet Choice](#) (October 18, 2016)

[Connecting Anchor Institutions: A Broadband Action Plan](#) (Remarks to 2016 SHLB Annual Conference, July 13, 2016)

[Remarks at Net Inclusion, the National Digital Inclusion Summit](#) (May 16, 2016)

[Remarks to New America Foundation](#) (March 23, 2016)

[Remarks to Emerging Issues Policy Forum, Digital Pathway Summit](#) (January 14, 2016)

[Remarks to ECTA Regulatory Conference](#) (November 17, 2015)

[Remarks to Partnership for Progress on the Digital Divide Conference](#) (October 22, 2015)

[Consumer Protection in the Broadband Era: The Role of the FCC](#) (Remarks to the 4<sup>th</sup> annual Professor Anthony J. Santoro Business Law Lecture Series, September 25, 2015)

[What the Future Holds for Local Governments](#) (Remarks to NATOA Annual Conference, September 9, 2015)

[Remarks to the Fiber to the Home: Fiber on Fire Conference](#) (June 30, 2015)

[Remarks to Westminster, MD Fiber Launch Party](#) (June 26, 2015)

[Remarks to Third Annual New York State Broadband Summit](#) (June 11, 2015)

[Halftime at the Wheeler FCC](#) (Remarks to Media Institute Communications Forum, June 4, 2015)

[Remarks to Moving Towards a Gigabit State](#) (May 4, 2015)

[The Art of the Possible](#) (Remarks to the One Community Annual Meeting, September 10, 2014)

[FCC: Out to Lunch](#) (Remarks to the Personal Democracy Forum, June 13, 2013)

[The Broadband Ecosystem: Living with the Cloud](#) (Remarks to the 17<sup>th</sup> Annual Oregon Connections Telecommunications Conference, October 18, 2012)

[Remarks to Communication Power: Net Neutrality and the Public Commons](#) (April 28, 2010)

Keynote Speech at Free Culture X (February 13, 2010)

Remarks to Copyright Monopoly: Playing the Innovation Game (May 28-30, 2008)

IT Perspectives Inside the Beltway (Remarks to EDUCAUSE/Cornell Institute for Computer Policy & Law, July 2007)

## ATTACHMENT C

### **Gigi Sohn Testimony Before US Congress, State Legislatures & Administrative Bodies**

Maryland House of Delegates, Economic Matters Committee: [In Support of House Bill 957, Maryland Net Neutrality Act of 2020](#) (Feb. 26, 2020)

House Energy and Commerce Committee, Communications and Technology Subcommittee: [“Empowering and Connecting Communities through Digital Equity and Internet Adoption”](#) (January 29, 2020)

Maine State Legislature, Joint Energy, Utilities and Technology Committee, [hearing on L.D. 946, An Act to Protect Privacy of Online Customer Personal Information](#) (April 24, 2019)

Federal Trade Commission [Hearing on Competition and Consumer Protection in the 21<sup>st</sup> Century](#) (March 20, 2019) (no prepared remarks)

House Judiciary Committee, Antitrust Subcommittee: [The State of Competition in the Wireless Market: Examining the Impact of the Proposed Merger of T-Mobile and Sprint on Consumers, Workers, and the Internet](#): (March 12, 2019)

Connecticut General Assembly, Energy & Technology Committee: [Hearing on Senate Bill No. 2, An Act Concerning Internet Service Providers and Net Neutrality Principles](#) (March 8, 2018)

US Senate Committee on Indian Affairs: [Oversight Hearing on the GAO Report on “Telecommunications: Additional Coordination and Performance Measurement Needed for High-Speed Internet Access Programs on Tribal Lands”](#) (April 27, 2016)

US Senate Committee on Commerce, Science and Transportation, Subcommittee on Communications, Technology and the Internet. [State of Wireline Competition](#) (July 25, 2013)

House Energy and Commerce Committee, Subcommittee on Communications & Technology: [The Future of Video](#) (June 27, 2012)

US Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights: [The Universal Music Group/EMI Merger and the Future of Online Music](#) (June 21, 2012)

US Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights: [The AT&T/T-Mobile Merger: Is Humpty Dumpty Being Put Back Together Again?](#) (May 11, 2011)

House Judiciary Committee, Subcommittee on Intellectual Property, Competition and the Internet: [Ensuring Competition on the Internet: Net Neutrality an Antitrust](#) (February 15, 2011)

US Senate Committee on Commerce, Science and Transportation: [Broadband Providers and Consumer Privacy](#) (September 25, 2008)

FTC Hearing on Broadband Connectivity and Competition (2007) (no prepared remarks or transcripts available)

US Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights: [The XM-Sirius Merger: Monopoly or Competition from New Technologies?](#) (March 20, 2007)

House Energy and Commerce Committee, Subcommittee on Telecommunications and the Internet: [The Audio and Video Flags: Can Content Protection and Technological Innovation Coexist?](#) (June 27, 2006)

US Senate Committee on the Judiciary: [The Analog Hole: Can Congress Protect Copyright and Promote Innovation?](#) (June 21, 2006)

House Judiciary Committee, Subcommittee on the Courts, Intellectual Property, and the Internet: [Content Protection in the Digital Age: The Broadcast Flag, High Definition Radio, and the Analog Hole](#) (November 3, 2005)

House Judiciary Committee, Subcommittee on the Courts, Intellectual Property, and the Internet: Piracy of Intellectual Property on P2P Networks (September 26, 2002) (attached)

I am fairly confident that I testified before US Congressional committees between September 26, 2002 and November 2005, but I can't find any testimony. I would guess that I testified at least twice during that time period, either before one of the Judiciary or Commerce Committees. I also testified at least once when I worked at Media Access Project in the 1990's, but I can't recall the subject matter and it doesn't exist online.



**Statement of Gigi B. Sohn, President  
Public Knowledge**

**“Piracy of Intellectual Property on Peer-to-Peer Networks”**

**House Judiciary Committee  
Subcommittee on Courts, the Internet and Intellectual Property**

**Washington, DC  
September 26, 2002**



Chairman Coble, Congressman Berman and other members of the Subcommittee, my name is Gigi B. Sohn. I am the President of Public Knowledge, a new nonprofit public interest organization that seeks to ensure that citizens have access to a robust public domain, an open Internet and flexible digital technology.

I want to thank the Subcommittee for holding this important hearing on the great promise of peer-to-peer (P2P) networks and some of the perils associated with their use. I am honored that you have chosen my organization to represent the citizen/consumer perspective at this hearing.<sup>1</sup>

My hope is that this hearing will further advance the dialogue that Public Knowledge and other public interest organizations have already begun with the various interested industries and with policymakers. That dialogue is intended to find solutions that provide the content industry with a “reasonably secure” digital environment for its content while ensuring that citizens retain their rights under copyright law and continue to have access to an open Internet and the kind of flexible technology that they have come to expect and enjoy.

### **P2P Technology is Changing the Face of Computing – For the Better**

In just two years, P2P has become a computing phenomenon. Millions of Internet users are communicating with each other through P2P file sharing software programs that allow a group of computer users to share text, audio and video files stored on each other’s computers. While the P2P applications we know today are just a few years old, the technology underlying P2P is at the heart of the Internet. The Internet was designed to be a distributed system of linked computers in which users could freely share content and data stored on each other’s computers.

Few disagree that P2P networks are already changing the way businesses, educators, artists and ordinary citizens use their computers. In businesses, for example, they offer an alternative to centralized server-based sharing of documents and projects.<sup>2</sup> The vast majority of these changes are positive. By linking together individual computers and distributing their power, P2P technology is superior to the centralized server approach because it:

- is more robust and resilient
- is more cost effective
- is faster and more reliable
- harnesses bandwidth and storage resources that would otherwise go unused
- enables real-time collaborative work

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<sup>1</sup> Public Knowledge is working in partnership with the Center for Democracy and Technology and Consumers Union on P2P and related digital copyright issues.

<sup>2</sup> A recent Gartner Research Note (Technology T-16-2550, September 16, 2002) predicts that “[b]y 2005, 10 percent of business interactions will occur via P2P-enabled technologies (0.7 probability).”

Already, both public and private P2P networks are helping small and large businesses (including content companies), universities, artists and others work collaboratively and more efficiently. Here are some examples:

- *The University of North Carolina at Chapel Hill.* Robert Kirkpatrick, Distinguished Associate Professor of English and Director of the London Summer Honors Program at the University of North Carolina at Chapel Hill, used Groove Network's P2P tools to manage a class in the composition of poetry. Among other things, Kirkpatrick used P2P technology to encourage collaborative editing and comment on students' work, adjust the syllabus, archive course materials, and create a list of links to resources of poetic forms and vast archives of complete works of poems and critical writing. The class also uses the Groove tools for a class forum and an announcement board to share information on musical, dramatic and other events on campus. Kirkpatrick said that P2P technology "makes it possible to extend that most expensive form of education – one-on-one tutorial – into a cohesive class experience....It comes very close to being, for me, the ideal academic tool."<sup>3</sup>
- *CenterSpan.* CenterSpan is a distributed content delivery network licensed to distribute copyrighted digital content from major media companies. Earlier this year, CenterSpan announced an agreement with Sony Music Entertainment whereby CenterSpan's secure P2P network provides music from Sony Music artists to a wide variety of online service providers seeking to offer their subscribers streaming and downloadable music.<sup>4</sup>
- *J!VE Media.* J!VE Media is the creator of a suite of digital video packaging, digital rights management and media delivery services which enable content providers to distribute protected digital video content via publicly accessible P2P networks, including the Gnutella Network (which includes users of LimeWire and Morpheus) and the Fastrack Network (which includes users of KaZaA and Grokster). J!VE uses P2P distribution technology because it allows content owners to rely almost entirely on users to provide the most costly computing resources involved in digital distribution: data storage and bandwidth. J!VE distributes only authorized content, and its customers include: 1) the Priority Records division of the EMI Recorded Music Group; 2) Koch International, the world's third largest independent music label; and 3) The Comedy Network, Canada's 24 hour comedy cable channel.<sup>5</sup>

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<sup>3</sup> [www.groove.net/solutions/testimonials/education/unc.html](http://www.groove.net/solutions/testimonials/education/unc.html)

<sup>4</sup> Statement of Frank G. Hausmann, Chairman and CEO Centerspan Communications Corporation before the House Judiciary Committee Subcommittee on Courts, the Internet and Intellectual Property, June 5, 2002.

<sup>5</sup> Declaration of Sean Mayers in Support of MusicCity.Com Inc.'s and MusicCity Networks, Inc.'s Motion for Partial Summary Judgment in *MGM Studios v. Grokster*, [www.eff.org/IP/P2P/MGM\\_v\\_Grokster/20020122\\_mayers\\_decl.html](http://www.eff.org/IP/P2P/MGM_v_Grokster/20020122_mayers_decl.html)

- *Project Gutenberg.* Project Gutenberg seeks to convert to ebook form, and widely distribute over the Internet, over 4500 works from the King James Bible to Shakespeare to the CIA World Fact Book. These works are either in the public domain or authorized by copyright owners for distribution. One of the chief hurdles facing Project Gutenberg and public domain projects like it has been the expense of hosting and distributing the resulting files. Today, these expenses are being reduced, and valuable public domain works are reaching more people, because these texts are being distributed over P2P networks.<sup>6</sup>
- *Furthur Network.* The Furthur Network is a non-commercial, open source, P2P network of legal live music. Music lovers download and share music from each other. Musicians that allow the non-commercial taping and trading of their live performances are allowed on this publicly accessible P2P network. This would include bands like the Grateful Dead, the Allman Brothers Band and the Dave Matthews Band. TDK, the consumer electronics and recordable media company has recently recognized the importance of this segment of the music industry by sponsoring the third annual Jammie Awards, which honors musicians who focus their art on live music. In the words of Bruce Youmans, TDK's Vice President of Marketing, "There are literally hundreds of sources, including directly from some of the artists performing at the Jammies, for legally acquiring today's best music without infringing on artists' copyrights."<sup>7</sup>

All indications are that P2P technology will stimulate our economy if it is allowed to flourish. As with any successful new technology, innovators will seek to capitalize by developing new applications for P2P.<sup>8</sup> Moreover, since every computer on a P2P network becomes, in effect, a file server for every other computer, it is likely that businesses and individuals will demand faster and more powerful PC's. Equally as important, many experts predict that increased use of P2P networks will drive up the demand for broadband.<sup>9</sup> It is not difficult to see why – using the increased bandwidth capabilities of a P2P network, a homeowner using only a DSL line could send files at a speed and capacity that is eight times faster than a T-1 line!

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<sup>6</sup> Declaration of Gregory Newby in Support of MusicCity.Com Inc.'s and MusicCity Networks, Inc.'s Motion for Partial Summary Judgment in *MGM Studios v. Grokster*, [www.eff.org/IP/P2P/MGM\\_v\\_Grokster/20020122\\_newby\\_decl.pdf](http://www.eff.org/IP/P2P/MGM_v_Grokster/20020122_newby_decl.pdf).

<sup>7</sup> [www.furthurnet.com](http://www.furthurnet.com)

<sup>8</sup> One exciting P2P application that is in its nascent stages is "P2P signing" for the deaf and hard of hearing. Through this application, an interpreter in one location can use high-speed communications and low-cost video cameras to provide interpreting services to consumers at other locations across the country. Frank G. Bowe, *Broadband and Americans with Disabilities* at 2 (2002), [www.newmillenniumresearch.org/broadband.html](http://www.newmillenniumresearch.org/broadband.html).

<sup>9</sup> Amy Kover, *Napster: The Hot Idea of the Year*, Fortune Magazine, June 26, 2000. See also, *Understanding Broadband Demand, A Review of Critical Issues*, Office of Technology Policy, U.S. Department of Commerce at 16 (September 23, 2002), [www.ta.doc.gov/reports/TechPolicy/Broadband\\_020921.pdf](http://www.ta.doc.gov/reports/TechPolicy/Broadband_020921.pdf)

## **Like Other Technologies, P2P Can Be Abused**

Despite the recognition of Congressman Berman and other legislators of the enormous promise of P2P networks,<sup>10</sup> the focus of this hearing is on their *abuses* – that is, the illegal sharing of copyrighted material over these networks. Let me be clear – Public Knowledge does not condone the illegal sharing of files on any network – be it P2P or otherwise. We believe in the constitutional and historical purpose of copyright protection, that is, to encourage the creation of new artistic works for the ultimate benefit of the public. That purpose is not well served by individuals who engage in large scale illegal file trading. As discussed below, we think that the content industry has several avenues available to it to curb these abuses that will also preserve the technology and the rights and expectations of consumers and computer users.

That being said, my fear is that the emphasis on the abuses of P2P networks may well give rise to actions that could ultimately destroy the promise of this technology. As discussed below, proposed laws like H.R. 5211 could lead to actions by copyright owners that could literally bring these and other networks to a sudden and unfortunate halt. Even where the copyright owner's motives are the most benign, actions authorized by this bill could seriously tax these valuable networks by making them less efficient, more unstable, and subject to greater private control. That is not good for consumers, the tech industry or the content industry, which believes, as I do, that it will figure out how to harness P2P technology and profit. Thus, it is not just the illegal activity that might be slowed by the kinds of self help techniques authorized by this bill, but also every legitimate current and yet-to-be-developed business dependent upon the promise of P2P technology.

P2P networks, like other technologies (*e.g.*, cars, telephones) can be used for good, or they can be abused. But we don't outlaw these technologies or limit their legitimate use because of the possibility (and yes, even the probability) that someone will use them to do harm. Public Knowledge supports targeted mechanisms to limit abuses of these networks. But we cannot support laws or technological measures that harm legitimate uses of the technology in the effort to curtail illegitimate ones.

### **The Content Industry Has Tools at Its Disposal Which, If Used Together, Can Limit the Impact of Illegal File Trading Over P2P Networks.**

Over the past several months, my staff and I have had a number of productive conversations with various sectors of the content industry. While we have not agreed on everything, I have appreciated their willingness to be candid and engage in a continuing dialogue. One thing the various sectors of the industry have been willing to admit is that infringement cannot be stopped completely. This is true with regards to physical infringement as well as virtual infringement.

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<sup>10</sup> Speech by the Honorable Howard L. Berman to the Computer and Communications Industry Association Regarding Solutions to Peer to Peer Piracy (June 25, 2002), [www.house.gov/berman/p2p062502.html](http://www.house.gov/berman/p2p062502.html) (“P2P networks represent as much of an opportunity as a threat to copyright creators. P2P represents an efficient method of information transfer, has the potential to greatly reduce the costs associated with server-based distribution systems, and can support a variety of legitimate business models.”)

Thus, the critical question becomes: how can the effect of illegal file trading over the Internet be limited without eroding the legitimate consumer/computer user rights and expectations? I propose a combination of three tools:

### *Enforcement of Existing Laws*

Both the Copyright Act and the Digital Millennium Copyright Act provide for remedies for certain unlawful uses of copyrighted material.<sup>11</sup> There is little evidence and indeed, the content industries do not claim, that when the law is enforced it is ineffective. In fact, when the content industries choose to enforce their rights under these laws, like in the Napster, Audiogalaxy and Madster (*aka* “Aimster”) cases, they have succeeded.

Despite its claims that billions of songs have been illegally downloaded, we are not aware of a single case in which the recording industry has taken legal action against an individual downloader. The problem is that the recording industry apparently does not want to enforce the rights it claims when it comes to illegal P2P file trading because it looks bad to sue its own customers. Therefore, the industry has decided instead to shift that burden onto other corporations, and in particular, ISPs. As many of you know, the RIAA is seeking to force Verizon to hand over the names of its customers based solely on the RIAA’s allegations that those customers are engaging in infringing activity. Verizon, backed by civil liberties and other public interest organizations such as my own, has argued, among other things, that forcing ISPs simply to give copyright owners the names of their customers without a judicial determination that they may be engaged in any illegal conduct would violate the constitutionally mandated privacy and anonymity rights of their customers, and put ISPs in the untenable position of having to respond to the numerous identification requests that would inevitably result.

Were Verizon and other ISPs to comply with such requests, the RIAA would be empowered to collect sufficient information with which to conduct investigations of potential defendants and engage in surveillance over a period of days or even years, choosing to sue the defendants presenting the worst facts and having profiles least likely to garner public or judicial sympathy. As is often said, bad facts make bad law. The RIAA plan appears to have no other purpose than to find the worst facts before seeking an interpretation of its legal rights.

Verizon’s refusal to succumb to the RIAA’s request does not leave the industry without a remedy. It can bring a “John Doe” lawsuit against anonymous infringers and serve Verizon with a third-party subpoena pursuant to Fed. R. Civ. P. 45. Once the industry has satisfied a judge that its allegations of infringement have evidentiary support, Verizon (and other ISPs) will be required to make available those names. With “robot” technology that allows the industry to pinpoint the most egregious uploaders with some (but by all means not perfect, *see* discussion below) accuracy, the industry’s complaint that it would have to bring numerous expensive lawsuits rings hollow. Unless the industry wants to sue every person with a handful of infringing files on its hard drive,

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<sup>11</sup> 17 U.S.C. §§ 501-507; 17 U.S.C. §§ 1201-1204; 18 U.S.C. §§ 2318-2319A.

it has the economic and technological means to locate the kind of large scale alleged infringer that it would want to bring to court.

An industry-initiated law suit against a large scale infringer could also have the benefit of serving as a deterrent to other bad actors. As we have seen in other contexts, specifically targeted lawsuits and other legal action can have a deterrent effect, and also educate the public as to what is legal. But if the industry refuses to bring targeted cases, we will only be left with unfounded complaints that the copyright law provides a “right without a remedy.” The remedies exist, but copyright owners must take up the challenge of invoking them.

### *Non-Invasive Self-Help*

Public Knowledge does not oppose the use of reasonable non-invasive self-help techniques by the content industry. By non-invasive, we mean techniques that do not entail a third party attacking a file located on a computer hard drive (or denial-of-service attacks on individual users or on providers). Examples of non-invasive self-help include spoofing, flooding, decoy, spoiler files and redirection. Many of these techniques involve the intentional distribution of phony or corrupted files that an individual seeking to make an unlawful reproduction will then download. Others will send downloaders to legitimate sites. What distinguishes these techniques is that they are activated by an individual’s affirmative effort to obtain an unlicensed copy of a file.

On the other hand, Public Knowledge cannot support self-help techniques that permit the copyright owner to block access to an individual’s computer hard drive for the purpose of making an allegedly illegal file unusable or incapable of being downloaded. In the most popular of these techniques, commonly known as Interdiction, a computer program repeatedly requests the same file from a particular P2P network user. As a result, no one else can get to that file, or to any other file on that user’s computer even if the other files to which access is sought are perfectly legal and downloading them is perfectly lawful.

There are several problems with self-help techniques of this kind. The first, of course, is that the program, or robot, could be mistaken in its determination that a file is one that warrants protection. While we have received assurances from the RIAA that the “bots” that its member companies use are extraordinarily accurate, evidence submitted in its pending litigation with Verizon demonstrates otherwise. For example, UUNet, an ISP, was sent a notice by Warner Brothers, owner of the copyright to the motion picture “Harry Potter and the Sorcerer’s Stone.” The notice asked UUNet to disable access to a user, identifying as the single infringing file a 1K file named “harry potter book report.rtf.” The size and type of the file make it clear that the file was nothing more than a child’s school book report on a Harry Potter book. The record includes other examples of similar inaccuracies.<sup>12</sup>

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<sup>12</sup> Motion for Leave to File and Brief Amicus Curiae of United States Internet Service Provider Association in Support of Respondent filed in *Recording Industry Association of America v. Verizon Internet Services*, Case No. 1:02MS003323 at 6-12.

Moreover, it is important to remember that the members of the RIAA will not be the only copyright owners capable of using these techniques, particularly if H.R. 5211 becomes law. The fact that Interdiction not only makes unavailable the allegedly infringing file, but also makes the rest of the user's files unavailable only exacerbates this problem.

A second concern is that Interdiction and similar self-help techniques punish individuals for "making available" copyrighted content, regardless of whether that content was legally obtained or not. Such punishment would extend copyright protection beyond what the law currently allows. Unlike in the European Union, U.S. copyright law does not give a copyright owner a separate right to "make available" his work. Efforts to include such a right here have been heretofore rejected.

Finally, we are concerned with the worst case scenario – that repeated requests or similar actions could prevent a user from accessing the Internet for any other purpose, resulting in a so-called "denial of service." Regardless of whether an individual has an infringing file, denial of service caused by self-help will burden ISPs and other network users, both indirectly and directly. This is particularly true where such attacks can be done secretly, such that a user's first call will be to its own ISP to complain about a malfunction. Even on a network where a loss of service for one may not directly affect other users, every denial of service claim requires ISP time and resources to figure out its cause, causing it to spend less time on other, more serious service problems, which might be caused by cyberterrorism, other security breaches or legitimate technological breakdowns. This has an indirect effect on all the other customers on an ISP's network and also burdens the entire network. Moreover, with some ISP networks (particularly the shared architecture of cable modem service), the service quality of innocent ISP customers could be directly affected if invasive self-help leads to a denial of service for another customer – in other words, innocent ISP customers are harmed by the acts of one suspected infringer.

Legitimizing and harboring invasive self-help has startling implications. Again, whether the large content companies use techniques that are more accurate and often unrecognized by the computer user is nice, but is largely beside the point. If expressly permitted or protected, self-help of various shapes and sizes will be available to *all* copyright owners, some of whom may believe that it is perfectly within their rights to launch denial of service attacks. Some of these attacks may affect actual infringers, while some almost certainly will affect innocent parties, who will have no idea why they (or others) cannot access their files or why their Internet service is not working. These attacks will likely provoke retaliatory attacks by some users, and the acquisition of defensive software by others. Soon, the Internet will look like the Wild West, with self help bots and bot blockers replacing guns as the weapon of choice.

The collective impact of all these self help efforts, particularly if they are sanctioned by law, might be to reduce or eliminate the effectiveness of the Internet as a communications medium in a number of ways, from consuming bandwidth to forcing

ISPs into imposing crippling terms-of-service agreements. The final victim of this Internet free-for-all, of course, would be rollout of broadband, for which P2P is the “killer app.”

*Promoting Competition to Build a New Business Model*

Last June, at the request of *USA Today*, I spent several hours discussing digital media issues with a number of top executives from the content and consumer electronics industries. What struck me was that the New York representatives of the content industries all agreed on one thing: that they had to create new business models that take advantage of the low cost, ubiquity and speed of the Internet. In answering the question of whether the recording industry had responded to the Internet needs of its customers, John Rose, Executive Vice President of the EMI Group stated:

There’s no question that this industry, like every other industry that went through this, didn’t deal with it in as forward-thinking a manner as it could have. The real question is: here’s where we are, what do we do about it? There’s no way you’re going to constrain the Internet, . . . The question is, can you come up with economic models to empower guys like Alan [McGlade of MusicNet, an industry-backed online music service]?<sup>13</sup>

These content industry executives believe, as I do, that if they can provide easy access to a wide range of high quality content at a fair price, most consumers looking for content over the Internet will choose their services.<sup>14</sup> In other words, they believe that they can, in fact, “compete with free.”<sup>15</sup> Rob Reid of Listen.com, an online subscription music service that licenses music from the recording industry, said as much in a recent Department of Commerce Forum:

The way I compete [with free] is I have to create a service that’s better than free, which is hard to do. I mean, that’s hard to do. I mean, that’s a tough proposition, but the good news is people do opt for things that are better than free all the time. If they didn’t, you know, we’d be eating at soup kitchens every night, and not going to restaurants. And just looking around this table, I see a bottle of Poland Springs . . . that tells us

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<sup>13</sup> “Digital Technology, Reshaping industries, lifestyles,” *USA Today*, June 25, 2002 at 4E.

<sup>14</sup> The Office of Technology Policy at the U.S. Department of Commerce apparently agrees, *Understanding Broadband Demand, A Review of Critical Issues*, Office of Technology Policy, U.S. Department of Commerce at 17 (September 23, 2002), [www.ta.doc.gov/reports/TechPolicy/Broadband\\_020921.pdf](http://www.ta.doc.gov/reports/TechPolicy/Broadband_020921.pdf) (“There is considerable belief that creative, legal, for-profit sites can out-compete “free” alternatives. Industry will need to develop technologies that can protect digital content, ensure that *legal* services have the resources . . . to out-compete illegal exchanges, educate consumers about the need to respect intellectual property on the Internet, cooperate across sectors and deliver content in ways and on platforms that consumers want. . . .”)

<sup>15</sup> Bon Jovi and its record company, Vivendi Universal SA’s Universal Music Group, is competing with free by giving fans who buy their CDs “Bon Jovi Exclusives,” including preference in buying concert tickets, the possibility of climbing on stage and other band-related perks. Jennifer Ordonez and Charles Goldsmith “Bon Jovi Uses ‘Bounce’ To Battle Music Pirates,” *Wall Street Journal*, September 16, 2002, [online.wsj.com/article\\_print0,,SB103211681937801835,00.html](http://online.wsj.com/article_print0,,SB103211681937801835,00.html).



that designer water is a multi-billion dollar industry, and that comes out of the faucet for free. So better than free does exist....<sup>16</sup>

Despite the fact that industry efforts to bring content online have been going on for years, a successful business model has not emerged. One of the reasons this is so is that creating such a model is not a simple task – it takes time, resources and sometimes plain dumb luck.<sup>17</sup> But I believe that there are two other reasons a business solution has been slow in coming: 1) the same industry minds have been attacking the same problem for all that time, and 2) the industry has refused to permit others to try and figure out how best to deliver content over the Internet.

If the content industries are sincere in their desire to create new business models (and I believe that they are), then they should give others the opportunity to help them to do so. Not for free – for example, the recording companies could license their music to various online retailers and ask the licensee for the same statutory rate that the publisher gets (\$0.08) for each song the licensee sold online. Retailers who choose to offer them to the public must all pay the same “wholesale” price but can then compete vigorously with each other to find the business proposition most appealing to consumers. This is a win-win situation. The copyright owner gets paid, and a competition ensues to build an online music service that provides a high quality, large catalogue at a reasonable price. In fact, several successful business models could emerge that are entirely different than anything being contemplated today and appeal to different types of consumers, just as retail stores do for pre-packaged goods. There will be failures, no doubt – but until innovators and entrepreneurs are given a *chance* to fail, the chances that success will be achieved are greatly diminished, and the public benefit from broad and competitive dissemination will surely be lost.<sup>18</sup>

### **H.R. 5211 is a Well-Intentioned but Flawed Bill**

Public Knowledge appreciates the good intentions of Reps. Berman, Coble, Smith and Wexler in sponsoring H.R. 5211. We believe that they are sincere in their desire to encourage P2P technology and to stem the flow of illegal file sharing.

Unfortunately, these good intentions cannot save this flawed bill. Part of the problem is that because P2P technology underlies the entire Internet, it is difficult to draft legislation that addresses specific P2P networks such as Morpheus and KaZaA without also including the entire Internet and World Wide Web in its scope. Also, as discussed

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<sup>16</sup> Statement of Rob Reid, Founder and Chairman of Listen.com, *Understanding Broadband Demand: Digital Rights Management Workshop*, July 17, 2002, U.S. Department of Commerce, Technology Administration [www.ta.doc.gov/reports/TechPolicy/DRM-020717.htm](http://www.ta.doc.gov/reports/TechPolicy/DRM-020717.htm)

<sup>17</sup> A recent New York *Times* article details the challenges faced by online music services (including those backed by the recording industry) in getting permission to sell certain songs over the Internet. Amy Harmon, “Copyright Hurdles Confront Selling of Music on the Internet,” *NY Times*, September 23, 2002 at C1.

<sup>18</sup> This week’s announcement by the Warner Music Group that it would begin selling digital singles starting at 99cents through retailers like Bestbuy.com and MTV.com is a good start. Amy Harmon, “Warner to Sell Digital Signals Online,” *NY Times*, September 24, 2002 at C9.

above, it is difficult to imagine certain “self-help” techniques that could interfere with specific P2P networks that would not also put the efficient functioning of the larger Internet at risk, impose enormous new tech support burdens on ISPs and impair customer satisfaction with broadband. Finally, as discussed above, while we may accept that some of the techniques now in use by the content industries are somewhat benign, this bill allows for self-help by *all* copyright owners – some of whom may not have the same concerns about upsetting their customers as do large content companies.

Among the provisions in this bill that are the most troublesome from a consumer perspective are:

- *The bill gives copyright owners extraordinary powers to engage in self-help.* H.R. 5211 grants copyright owners and their agents the right to break *any law*, state or federal, civil or criminal, in furtherance of “disabling, interfering with, blocking, diverting or otherwise impairing” the availability of his or her copyrighted works on a public P2P network. This extraordinary power is limited by five vague conditions: 1) the copyright owner may not “alter, delete, or otherwise impair the integrity of any computer file or data residing on the computer of a file trader” (Subsection (a)); 2) the owner must not impair the availability of files on a targeted computer other than the works the copyright owner owns except as “reasonably necessary” (Subsection (b)(1)(a)); 3) the copyright owner may not cause “economic loss” to any person other than the targeted file trader (Subsection (b)(1)(B)); 4) the copyright owner may not cause “economic loss of more than \$50” to the targeted file trader (Subsection (b)(1)(C)); and 5) the copyright owner must notify the Attorney General seven days before engaging in self-help (Subsection (c)).

These conditions leave the door wide open for abuse by the copyright owner and harm to computer users. For example, the limitations on altering and deleting files in subsection (a) conceivably would not prevent a copyright owner from cutting a user’s DSL line or even his phone line, or knocking his satellite dish off his roof. The “as reasonably necessary” language of subsection (b)(1)(a) is undefined and invites a raft of excuses for why an individual’s non-infringing files were impaired by self-help. The subsections prohibiting “economic loss” do not cover any non-economic loss that a target file trader or innocent victim may incur. And Subsection (c)’s notice provision is toothless: there is nothing in the bill that gives the Attorney General guidelines by which to judge self-help techniques or the power to reject them. All that is required by that subsection is notice.

- *The bill shifts the burden of using self-help mechanisms onto the consumer.* Currently, the content industries are very careful about the type of self-help techniques they use. This is not only for public relations reasons – the misguided use of these techniques that harms an innocent party could also result in serious legal liability for a copyright owner. By providing a safe harbor for a whole range of non-invasive and invasive self-help techniques, H.R. 5211

removes the incentives and sanctions that currently impel content owners and others to be careful in their self-help. While the damage limitation for bringing a legal action for misguided self-help is only \$250, copyright owners know that most victims will never sue because it is not worthwhile to do so; the damage rarely will be large enough to justify the time and cost of litigation.<sup>19</sup>

Equally as troubling is the fact that the bill creates no obligation for the copyright owner to notify a victim that her Internet access has been impaired. If they are subject to misguided self help, the vast majority of computer users will have no idea why their computer has broken down or why they can no longer access certain files. Without a notice requirement, even a tech-savvy victim who figures out what has occurred and decides to bring a lawsuit will not likely know whom to sue. Only if the victim can figure out exactly who impaired her system (among millions of copyright owners) can she then ask for the reasons for that action. Subsection (c)(2)(A).

- *The bill erects enormous procedural obstacles for a victim of self-help to overcome before she can seek the remedies provided.* H.R. 5211 creates a new cause of action for an affected file trader when a copyright owner “knowingly and intentionally impairs...[a] particular computer file...and has no reasonable basis to believe that such [file] constitutes an infringement of copyright,” and also causes over \$250 dollars in damages to the file trader. But where H.R. 5211 giveth, it also taketh away. Even though the copyright owner is engaging in egregious and willful activity, the bill erects procedural hurdles to innocent citizens seeking to obtain restitution for wrongful self-help. The innocent file trader cannot get to the courtroom without first getting permission from the Attorney General (Subsection (d)). Whether the victim will ever get to court is left to the sole discretion of the Attorney General, who has four months to make that determination. This creates a supreme irony: the bill erects huge legal barriers for citizens seeking remedies for misguided self-help, while it dismantles them for content companies seeking remedies for infringement. This is not only anti-consumer, it is also likely unconstitutional. It delegates to the Executive Branch the discretion to block civil litigants from access to federal courts, and delegates to private parties the power to do what no government can; namely, to surreptitiously impose a prior restraint upon communications that are presumptively protected by the First Amendment without any judicial determination that the speech being suppressed is unlawful.

- *The bill expands protection for copyrighted works beyond that required by the Copyright Act.* Subsection (a) of the bill provides a safe harbor for self-help actions that impair the “unauthorized” distribution, display, performance or reproduction of a copyrighted work on a publicly accessible P2P network. But not all “unauthorized” uses of copyrighted works are illegal under the Copyright Act. In addition, as discussed above, by permitting self-help against individuals

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<sup>19</sup> This is exacerbated by the fact that under the bill, a victim must first ask the Attorney General to decide whether her complaint is a valid one.

who merely make works available (rather than just those who illegally download available works), the bill gives copyright owners an additional “right to make available to the public.” This right is now only recognized by European intellectual property laws, and has heretofore been rejected in the U.S.

H.R. 5211 is well intended to stem the flow of illegal file trading, but it goes way beyond what is necessary to permit the content industries to engage in the type of non-invasive self-help described above. While Public Knowledge might consider supporting a narrowly-crafted proposal that clarifies that non-invasive self help is permissible, H.R. 5211 is not that bill.

### **Conclusion**

In conclusion, I want to thank Chairman Coble, Congressman Berman and the other members of the Subcommittee for holding this hearing to discuss P2P networks. As the sole representative of consumer and citizens rights at this hearing, I would respectfully ask that you keep the record open for thirty days to permit other public interest organizations to submit testimony and comments.

Public Knowledge urges the Subcommittee to act cautiously before seeking to alter the nature of a technology that improves the already significant abilities and flexibility of computers and the Internet, benefits artists, educators and businesses, and may very well be the “magic bullet” that drives broadband adoption. Illegal file trading on P2P networks can be limited through a combination of rigorous enforcement of the law, non-invasive self help techniques and promotion of competition to build new business models for online music. H.R. 5211, however, goes far beyond what is necessary or reasonable to limit illegal file trading, and if passed, could lead to actions by copyright owners that could threaten the core capabilities of the Internet.

Thank you.