



December 12, 2011

The Honorable Ron Wyden  
221 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Darrell Issa  
2347 Rayburn House Office Building  
Washington, DC 20515

RE: Draft OPEN Act

Dear Senator Wyden and Representative Issa,

As you know, the undersigned Internet and technology organizations support legislation that would provide tools to target foreign-based "rogue" websites that are engaged in widespread copyright and trademark infringement. We believe the draft OPEN Act is narrowly focused on providing effective remedies that target such sites, without creating new liabilities for lawful, U.S. technology companies or collateral damage to the secure functioning of the global open Internet.

Consequently, we support the approach taken in the draft OPEN Act, which would task the International Trade Commission ("ITC") with prosecution of violations of U.S. copyrights and trademarks by foreign-based websites. If the ITC concludes that a foreign-based site is violating the law, the ITC would require U.S. advertising networks and payment processors, many of whom we represent, to terminate services to the unlawful site. As organizations that represent companies that are themselves rightsholders and that are on the front lines of working with rightsholders to protect their works, we believe that this approach would be an effective tool in combating copyright and trademark infringement.

We appreciate your leadership in providing a thoughtful, effective proposal, and we stand ready to work with you as it moves through the legislative process.

Sincerely,

Ed Black  
President and CEO  
CCIA

Gary Shapiro  
President and CEO  
CEA

Markham Erickson  
Executive Director & General Counsel  
NetCoalition