

**Comments of David Cohen, Executive Director,
Department for Professional Employees, AFL-CIO,
at April 13, 2011 White House Meeting on
OECD “Draft Principles for Internet Policy-Making”**

Thank you for inviting our participation. My name is David Cohen, and I’m the executive director of the Department for Professional Employees, AFL-CIO. I have the pleasure and honor of representing the President of the Department, Paul Almeida, and nine affiliated arts, entertainment, and media unions. Those unions collectively represent hundreds of thousands of creators, performers, and craftspeople. The input from those unions shapes my three points:

1. We support promoting affordable access to “high speed broadband,” especially through wired networks. Among the points in the first draft principle is that promoting high speed broadband will lead to job creation in the future. Developing wired networks will increase job creation now and provide greater reliability for consumers. We also urge the expansion of broadband access to under-served populations, so they too benefit from access to the Internet.

2. We support protecting intellectual property rights. We appreciate the eighth draft principle and its call for “robust methods” to protect “clearly defined legal rights.” We agree that “governments should commit enforcement resources that are sufficient to ensure that Internet-based activities conform to the rule of law.” We are concerned, however, that the fourth draft principle suggests “voluntary” efforts to counter “illegal activity.” Illegal is illegal. Illegal conduct should bring government sanctions or private liability.

We are also concerned that the tenth draft principle seems to align “the free flow of information” with “[l]imiting intermediary liability.” The tenth draft principle implies that the role of government in reducing illegal content should be limited to “convening stakeholders.” Again, illegal is illegal. Government may and should impose a measure of responsibility on intermediaries to identify and counter illegality; intermediaries should face sanctions or liability if they fail to do so.

3. We support the global free flow of information. We applaud the second draft principle. We urge that it explicitly reject economic, technological, legal or other restrictions that limit the distribution of content to Internet audiences, whether the restrictions come from governments or corporations. We view our support for the unfettered flow of information as distinct from suggesting that all content on the Internet should be available without cost to the consumer. Permitting digital theft and other violations of intellectual property rights will lead to less rather than more economic growth, and to a poorer, less creative rather than more vibrant Internet.

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The Department for Professional Employees, AFL-CIO (DPE), is a coalition of 23 national and international unions that represent professional and technical people. Together the unions affiliated with DPE represent over four million people in more than 300 occupations. Among them are professionals in the arts, entertainment, and media; engineering, science, and information technology; education and information resources; health care; and public administration. DPE is the largest association of professional and technical workers in the United States. For more information, see www.dpeaflcio.org.