

Will Piracy Trump Privacy? Congress May Decide Soon.

January 5, 2012 - How much do you value your online privacy? How would you feel if your internet provider started looking at every website you visit or every e-mail message you send? A couple of bills that are being considered by Congress could very well make these scenarios a reality. In fact, they could change the internet as you've grown to know it; censoring free speech. And they are being pushed by none other than Hollywood.

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If you've never heard of the Stop Online Privacy Act (SOPA) or the Protect IP Act (PIPA—Note, IP stands for Intellectual Property), now would be a good time to take notice of them. SOPA is currently moving through the House of Representatives and PIPA is moving through the Senate. Both bills are bad for a number of reasons but SOPA could obliterate any notion of online privacy.

Both bills would change the landscape of the internet by making it illegal for websites to display links to pirated content. That means that Google, Yahoo, and other search engines would no longer be able to display links to many bit torrent files used for file sharing. It also means that they could be asked to remove links to websites who are simply accused of displaying or linking to pirated content.

A simple accusation would be enough to get your site removed from their index. If you own a website, there would be no appeal process. So much for the idea of "innocent until proven guilty." Your only recourse would be a lengthy and costly court battle; the benefits of which would be questionable even if you won it.

But the bill actually goes even further. As currently written, it would require internet providers to prevent their customers

from even visiting sites that offer pirated content. This is known as IP censoring. It would also require them to prevent their customers from distributing pirated content. This is where things get very bad for privacy.

The only way that your internet provider could possibly find out if you were distributing pirated content would be to look at everything you send out over your internet connection. Since data is distributed in packet, it means that your service provider would have to look at those packets. This is known as "packet sniffing". And presumably, they would have to maintain some record of their packet sniffing activities.

So the net-net of the bill is that internet companies would have to sensor information on the internet, and your service provider would have to look at everything you do on the internet. That a simple accusation would be enough to get search engines to take your website out of their resultsâ€¦ pretty well killing your siteâ€¦ or to have your internet service disconnected. And that there could very well be a record of all of your internet activities kept by someone other than you, that could be looked at by anyone at any time. If that doesn't sound appealing to you, join the club. But Hollywood loves the idea.

In fact, Hollywood has hired consultants and lobbying firms to promote the idea. If you have seen the TV commercials lately that extol you to contact congress and ask them to stop online piracy, those ads are in support of SOPA.

An analyst has been circulating a paper that speaks of the benefits of IP filtering. The paper is being pushed by the Motion Picture Association of America (MPAA). It relies on a separate study from Harvard that points out the effectiveness of this type of filtering in countries that include China, Iran, the UAE, Armenia, Ethiopia, Saudi Arabia, Yemen, Bahrain, Burma, Syria, Turkmenistan, Uzbekistan, and Vietnam. These really are not countries that have ever been held up as bastions of free speech.

What is ironic is that all prior legal efforts to control online piracy have only led to increases in piracy. There are a variety of reasons for this but there is no reason to believe that this effort will be any different in that regard. What is different here is that this effort to control piracy will result in censorship and an elimination of privacy for most Americans.

There is also a very good, and often funny, video available on this topic (below). The video is well worth the time it takes to watch if you are looking for more background on online piracy and the failure of prior efforts to control it.

by Jim Malmberg

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