

NETWORK NEUTRALITY

PRESERVING AN OPEN INTERNET

ACTION NEEDED

We urge Congress to:

- Support the “Open Internet Preservation Act of 2014” (H.R. 3982/S. 1981) or other efforts by the Federal Communications Commission (FCC) to preserve an open Internet.

TALKING POINTS

- The Internet must remain a place where users can learn, express themselves, innovate, and build a business. Working artists of all genres, mediums, and styles depend on the Internet to promote and sell their work to their audience and make a living. Therefore, it is important that the Internet remain accessible to all users, including artists and creators.
- Internet Service Providers (ISPs), companies that sell access to the Internet, should not be allowed to discriminate against lawful online content based on business or other preferences.
- Network neutrality rules should not impair the ability of ISPs or the federal government to protect copyrighted content openly and transparently. Nor should such rules compromise users’ privacy, frustrate consumer access to lawful online content, inhibit competition from lawful actors, or stifle innovative business models that could benefit artists and consumers without sacrificing open access.
- Net neutrality principles should extend to those accessing the Internet from wireless or mobile devices, such as smart phones and tablet computers. Increasingly, arts organizations rely on mobile devices for their programs. For example, museums are creating specific tour apps for exhibitions. Congress should be prepared to act quickly should actual abuses by ISPs materialize in the marketplace. The viability of the arts and culture communities in the 21st century depends on our ability to compete on a level online playing field. We support efforts to ensure that the Internet remains an accessible platform for free expression and artistic creation, while protecting copyrighted content.

BACKGROUND

The open architecture of the Internet has created unprecedented opportunities for artists, cultural organizations, and entrepreneurs. Because of the Internet’s level playing field, organizations and individuals can reach Internet users to promote their work or to sell their creative products and services without navigating a complex system of gatekeepers.

ISPs can exert immense control over that access. Without clear rules of the road, ISPs could potentially stifle speech that they find objectionable, discriminate against threatening business models, block certain Internet applications, slow down the delivery of certain online content, or compromise users’ privacy.

In December 2010, the Federal Communications Commission (FCC) approved its Open Internet Order to preserve “net neutrality”—the principle that allows any Internet user to access the lawful content or application of their choosing without interference from an ISP. These rules were passed by a 3-to-2 vote by the FCC, and made official in September 2011.

On January 14, 2014, the U.S. Court of Appeals for the D.C. Circuit overturned portions of the FCC’s Open Internet Order, but affirmed the FCC’s authority to regulate broadband networks. In response to the ruling, FCC Chairman Tom Wheeler stated, “We will consider all available options...to ensure that these networks on which the Internet depends continue to provide a free and open platform for innovation and expression, and operate in the interest of all Americans.”

On February 3, 2014, members of the House and Senate led by Rep. Henry Waxman (D-CA) and Sen. Ed Markey (D-MA) introduced the “Open Internet Preservation Act of 2014” (H.R. 3982/S. 1981). This legislation would restore the rules struck down by the D.C. Circuit court until the FCC adopts new final rules on net neutrality.