



Internet Association



# 2020 Policy Platform

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# Internet Association Policy Platform

The internet is the key driver of the modern American economy, growing from nonexistent to a top five sector in 20 years. Today, people, businesses, and community groups use the internet to connect, grow, and thrive. It is critical that our leaders seeking public office understand and champion policies that empower people through a free and open internet, foster innovation, and promote economic growth. This document provides candidates with a guide to key policy areas for the internet industry that will ensure its continued success.

## Empower People Through A Free & Open Internet

From its inception, the internet was built on an open architecture that lowers barriers to entry, fosters innovation, and empowers user choice. The internet should be free from censorship. It should be protected by simple and enforceable rules that ensure consumers' unfettered access to the content they want while encouraging platforms to act responsibly to set and enforce rules for their services.

### Consumer Privacy & Encryption

Internet companies support a federal, economy-wide privacy law that provides consumers meaningful control and the ability to access, correct, delete, and download data they provide to companies. Americans should have consistent experiences and expectations across state lines and industries – regardless of where they live or the type of company they interact with. IA supports a national privacy framework that is consistent nationwide, proportional, flexible, and encourages companies to act as good stewards of the personal information provided to them by individuals.

Internet companies support the wide adoption of strong, end-to-end encryption which offers consumers substantial privacy protections against threats from malicious actors, risks associated with insecure or untrusted networks, and unlawful government surveillance. Consumers and businesses benefit substantially from the privacy and security protections provided by an end-to-end encryption.

### Intermediary Liability Protections

Section 230 of the Communications Decency Act (CDA) and the safe harbors of the Digital Millennium Copyright Act (DMCA) provide essential liability protections that have allowed internet platforms to scale and diversify while preserving their ability to engage in content moderation. Section 230 of the CDA shields internet providers from liability related to the speech of their users and empowers them to set and enforce rules prohibiting harmful content. Similarly, the DMCA explicitly protects internet providers against liability for content posted by third party users and provides a clear process for rights holders to effect the removal of infringing content.



## Open Internet

At its core, net neutrality is a principle that underpins a free and open internet. Net neutrality ensures that internet service providers do not act as gatekeepers by allowing paid prioritization, throttling, or blocking. The internet must be a place where companies can compete on a level playing field, and people – not governments or gatekeepers – pick winners and losers.

## Foster Innovation

The internet industry is deeply committed to providing innovative products and services that help people share their thoughts and creativity with others. America's intellectual property framework provides strong protections for inventors and creators while ensuring that further inventions and creations are encouraged and rewarded. IA members constantly invent new products and services and rely on the intellectual property system, including copyright and patents, to drive innovation.

## Intellectual Property

### Copyright

Balance and flexibility provided by U.S. copyright law, consistent with the Copyright Clause of the Constitution, enables free speech, economic growth, and the development of new technologies and creative content. Strong limitations and exceptions in copyright law, such as fair use, allow the public to access legal content and create new forms of follow-on creative works. The safe harbors of the DMCA protect internet platforms operating in good faith from liability for users' actions. Robust protection of the balance and flexibility that exists in U.S. copyright law is even more important today than it was during the internet's infancy, as the massive volume of new content posted online each day demands globally scalable solutions that can simultaneously protect the rights of new and established creators, consumers, and a wide variety of online platforms.

### Patents

The internet industry supports policies established by Congress, the United States Patent and Trademark Office (USPTO), and the courts to address patent trolls and enhance the quality of patents. Patent trolls are entities that seek to capitalize on low-quality patents by initiating expensive litigation that disrupts the advancement of technology by diverting critical resources away from productive research and development, and disrupts the advancement of technology. IA supports policies including:

- The high bar for patent eligibility set forth in *Alice Corp. v. CLS Bank International*, which helps ensure that patents issued by the USPTO are of the highest standard and are not granted for abstract ideas.
- Robust, effective post-grant review programs, including inter partes review (IPR), which reduce the number of patents that can be used for frivolous litigation.



## Promote Economic Growth

Online platforms enable entrepreneurs and businesses of all sizes to adapt to changing needs – allowing them to stay connected with employees, partners, and communities. The internet sector represents 6 million jobs and trillions in GDP.

### Cloud

The modern American economy has been built on the advances and opportunities provided by cloud computing technology. The continuous and measurable success of U.S. entrepreneurs and businesses in the last few decades can be attributed to their ability to reach a broader base of customers via a free, open, and trustworthy internet, as well as their effective leveraging of the business efficiencies offered by affordable cloud-based services. Commercial cloud solution providers (CSPs) have shown that they have the ability to provide the scale, security, and savings necessary to support leading internet-connected products and online services used by people all over the world. In fact, nearly all functions across government and private sector entities rely on some form of cloud-based infrastructure for at least some aspect of their operations.

Whether using the internet to invent and implement new ideas as an individual or providing an organization with the platform they need to support a remote-and innovation-friendly environment for their staff, cloud computing services have proven to be the most effective and efficient way to successfully address any number of complex challenges. It will be imperative that any existing and proposed modernization plans put in place by policymakers and other key stakeholders actively consider and account for the power and providence of commercial cloud computing services, regardless of the sector.

### *Racial Justice Initiatives*

Internet Association (IA) adds its voice to those declaring that Black Lives Matter. The tragic deaths of Ahmaud Arbery, Breonna Taylor, and George Floyd have led the nation to reflect on its history of racism and how it is incumbent on everyone to create an anti-racist society.

IA believes that Black Lives Matter. This means that the historical denigration and systemic oppression of Black people in America should be recognized and addressed by the government.

IA calls on policymakers to pass reforms that include, but are not limited to: introducing more accountability in policing, investing in community programs as alternatives to incarceration, and demilitarizing law enforcement. Specifically, Congress should pass federal legislation ending qualified immunity for law enforcement to disincentivize policy misconduct, require law enforcement to collect data on all investigatory activities with demographic breakdowns, create a grant program that authorizes state attorneys general to conduct investigations into police departments with problematic histories, and create a nationwide police misconduct registry.

In addition, investments should be made to fund local commissions and task forces to help communities reimagine and develop concrete, just, and equitable public safety approaches; to fund programs that develop alternative methods to incarceration; to develop alternatives to traditional police responses, such as programs that engage social workers, and emergency mental health professionals from the outset; and to support greater investment in early childhood education to address racial disparities in schooling through K-12. Lastly, Congress should repeal Section 1033



of the National Defense Authorization Act, which allows the Department of Defense to transfer “defense material” to state and local law enforcement.

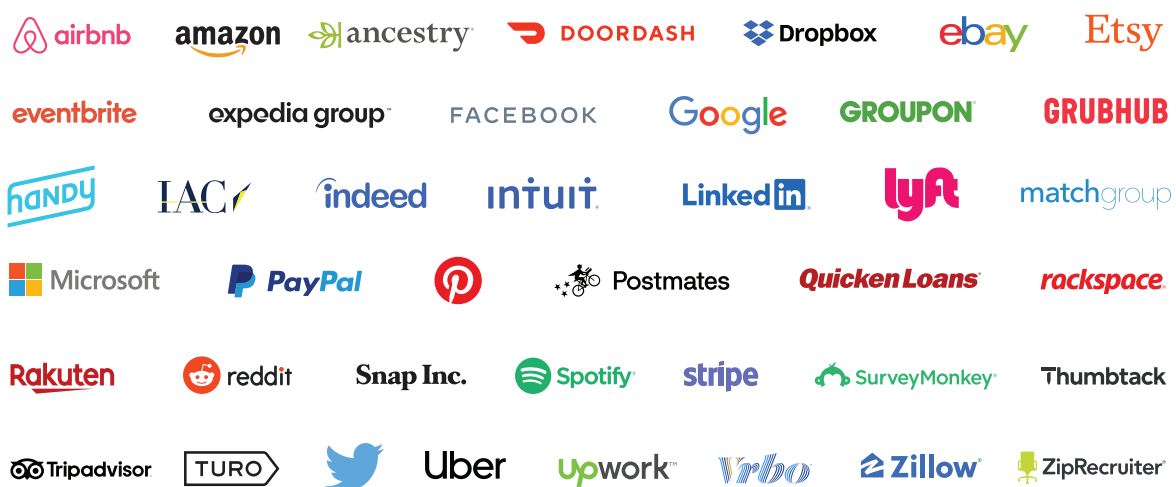
## Trade

America’s technology leadership is the envy of the world, but depends upon – and was built by – a U.S. digital policy framework that we must actively promote and diligently defend at home and abroad to ensure future success. Small businesses and entrepreneurs in every state and every community use the internet to sell and export across the globe, with digital trade now accounting for more than 50 percent of all U.S. services exports. Every sector of the economy benefits from this leadership.

Other countries are attacking U.S. technology success internationally – threatening U.S. success in internet services including key areas like cloud, online marketplaces, social media, payment processing, and more. If we don’t set digital trade rules of the road, other countries will. Policymakers should continue the practice of exporting U.S. law and fighting to see the adoption of America’s digital framework across the world, including in our trade deals. At the same time they must defend against attacks on U.S. technology leadership. The strong digital provisions in the bipartisan U.S.-Mexico-Canada Agreement (USMCA) and the Japan digital agreement were a good first step in the process. The U.S. needs to vigorously advocate for the policies that have made us the powerhouse we are today in future free trade agreements and at venues like the World Trade Organization (WTO).

## Sharing Economy

By harnessing the power of the internet, sharing economy platforms allow individuals to use their free time and resources to earn significant supplementary income, all under a flexible arrangement that allows people to earn income how, when, and where they want. Piecemeal regulatory approaches at the local and state levels, which often feature misguided or overly burdensome rules, drive up costs for consumers and workers. Policymakers can ensure this rapidly growing sector of the economy reaches its full potential through a thoughtful and light touch regulatory approach.



We are the unified voice of the internet economy

[www.internetassociation.org](http://www.internetassociation.org)

*Internet Association is the only trade association that exclusively represents leading global internet companies on matters of public policy. Our mission is to foster innovation, promote economic growth, and empower people through the free and open internet. We believe the internet creates unprecedented benefits for society, and as the voice of the world's leading internet companies, Internet Association works to ensure legislators, consumers, and other stakeholders understand these benefits.*