



Computer & Communications Industry Association
1972-2012: 40 YEARS OF TECH ADVOCACY

2011: A YEAR IN REVIEW

The year was marked with challenges to the open Internet starting with the shutdown of the Internet in Egypt, threats to competition in the mobile market and the introduction of legislation in Congress that would have done grave damage to the Internet. CCIA was an early and consistent voice challenging assaults to Internet freedom and the digital economy from online sales taxes to private rights of action against tech companies.

CCIA also advocated for improvements to the overall economy that could come from boosting innovation through better spectrum, special access, roaming, immigration and patent policies and minimizing constraints on innovation already underway through intervening in privacy, cloud computing, copyright enforcement or tax return policy.

CCIA leveraged its history credibility on antitrust and Internet freedom issues to sound early warnings on the AT&T takeover and PIPA and SOPA before they were introduced. The copyright enforcement bills went from an arcane tech policy issue to the front page of the New York Times.

By November, CCIA saw much to be grateful for in terms of threats to the Internet, as noted in Ed's [Thanksgiving column](#) in the Huffington Post. But the year ended with Internet censorship (SOPA and PIPA) expected to be brought up for votes early in early 2012.

Some of the major events and highlights from 2011 included:

Winter

The saying that it's always darkest before dawn may best describe the threats to the Internet that were launched in the first months of 2011. While Egypt's Internet shutdown made headlines, CCIA has often found that the biggest dangers to the Internet tend to be subtler alterations whose ultimate impact are often not as readily apparent to lawmakers or even Internet users. When AT&T, a company that had delayed rolling out technologies from faxes to mobile phones announced plans to takeover its fourth largest competitor, CCIA, as a trade association involved in the original breakup of AT&T's monopoly in the 1980s, was in a unique position to launch opposition. CCIA's members have a history of dealing with AT&T using its market dominance to stifle competition and it was able to help explain the negative impact that greater consolidation in the mobile marketplace would have for any individual, nonprofit or business that depends on competitive choices for mobile Internet access.

January

- CCIA submits [comments to the Commerce Department](#) on data privacy.
- CCIA staff meets with top antitrust and privacy reporters in Europe including Bloomberg, AP, NYT/IHT, IDG, Wall Street Journal and FT in an effort to strengthen relationships and encourage journalists to utilize CCIA as an informational source.
- Internet service by most Egyptian ISPs is terminated amid protests against President Hosni Mubarak.

February

- CCIA sends a [letter to Congress](#) opposing the expansion of CALEA.
- CCIA sends a [letter to Congress](#) opposing S. 23, a patent reform bill that would restrict the ability of the PTO to reexamine low quality patents.

March

- AT&T announces plans to merge with T-Mobile, potentially creating an entrenched duopoly in the wireless industry. CCIA explains problems in multiple op-eds and organizes business opposition efforts.
- CCIA assists with British Library event in connection with the [Copyright for Creativity](#) (C4C) initiative, which promotes copyright law supporting innovation, creativity, competition, and the public interest.
- CCIA files [comments to the UK](#) review on its IPR regime. The resulting Hargreaves report (published in May 2011) acknowledged the need for forward-looking and flexible limitations to government-granted rights.
- CCIA files an [amicus brief](#) in the Federal Court of Appeals for the Second Circuit in support of YouTube and the DMCA safe harbors in *Viacom v. YouTube*. The court would side with this brief's view later in the year.

Spring

Immediately upon AT&T's late March announcement and ahead of its formal petition to deny AT&T's proposed merger with T-Mobile, CCIA's Ed Black and Cathy Sloan helped lead news conferences and panel discussions on reduced competition and

other problems that would result from such an outlandish merger proposal. CCIA launched the blog MergerThreat.org along with other industries to help educate various sectors of the economy on the negative impact that would come with higher mobile broadband prices and less incentive to build out better high speed mobile service. CCIA also lobbied the FCC to order AT&T and Verizon to negotiate reasonable agreements with smaller carriers that need access to their networks so their customers' have mobile service when they travel. Copyright was another focus for CCIA last spring as it lobbied on several fronts in both the US and EU for more balanced patent and copyright regulations. Even before the bill that became a household name was introduced in May, CCIA sounded early warnings that the PROTECT IP Act, (PIPA) was a serious threat to the security and functioning of the Internet. CCIA began briefing Members of Congress, staff and reporters about the dangers of creating a privatized Internet censorship regime and arming entertainment industry attorneys with private rights of action to use against a dynamic sector of the economy – the tech industry.

April

- CCIA offers a lighter take on some of the darker tech policy threats in its [April Fool's blog post](#).
- FCC adopts CCIA requested action on data roaming, [issuing an order](#) requiring wireless carriers to enter into data roaming agreements on reasonable terms and conditions.

May

- More than 10 members of Congress and administration address CCIA member companies at CCIA's annual Washington Caucus on a wide variety of technology-related policy issues.
- The Senate Antitrust Committee begins probing the AT&T/T-Mobile merger deal.
- CCIA [supports](#) Digital Goods Tax Fairness Act, establishing customer's tax jurisdiction for destination sourcing and prohibiting the taxation of digital goods and services at a higher rate than their non-digital counterparts.
- The Obama Administration [releases](#) its cybersecurity recommendations.
- CCIA files its [Petition to Deny](#) with the FCC regarding the proposed AT&T/ T-Mobile merger.
- The Senate Judiciary Committee [embraces](#) Internet regulation with passage of PROTECT IP Act.
- CCIA [editorial](#) in San Francisco Chronicle warns against PIPA.

Summer

CCIA took its advocacy for more balanced copyright regimes to Europe and also endorsed two UN reports on Internet freedom. With threats like the AT&T merger that would bring higher prices and less choice for mobile broadband and PIPA threatening everything from prior restraint on user generated content to venture capitalist funding for the next great killer app, CCIA engaged in ad campaigns, letters, editorials and meetings with federal government officials to warn about these looming threats to the Internet and the tech sector. Just before the Labor Day holiday, the Justice Department announced it would sue to block AT&T's merger. This was a key victory for innovators who depend on mobile access to the Internet as a platform for commerce and one that will come to have historical significance for the growing tech industry.

June

- CCIA helps organize a C4C event in the European Parliament, gathering some of Europe's prominent composers and performers, librarians, archivists, and educators with MEPs to explore the need to transform, modify and combine creative works in the digital environment and to explain the importance of a more flexible IPR regime.
- In a problematic decision, the Supreme Court [upholds](#) the Federal Circuit's protective view of low-quality patents in Microsoft v. i4i, affirming that once granted, a patent can only be invalidated by "clear and convincing evidence," a strong presumption of validity that is especially helpful for marginal patents.
- CCIA participates in the Irish copyright review aimed to identify problems that constitute a barrier to innovation.
- CCIA [endorses](#) the "Joint Declaration on Freedom of Expression and the Internet" and the "Report to the UN Human Rights Council", two international reports on Internet freedom.
- CCIA and several member company representatives brief the State Department (Ambassador Verveer) on policy issues related to cloud computing.

July

- CCIA [opposes](#) the introduction of online sales tax bill.
- CCIA releases the third installment of its [study](#) "Fair Use in the U.S. Economy: the Economic Contribution of Industries Relying on Fair Use with Rep. Jared Polis [speaking](#) at briefing event on Capitol Hill.

- CCIA Executive Vice President Erika Mann and the former chair of the Congressional Internet Caucus Rick Boucher open a roundtable discussion with members of Congress and the European Parliament on privacy and intellectual property as part of Transatlantic Week.
- CCIA releases its white paper, "[How Public Policy Can Enable Cloud Computing – Driving Innovation, Investment & Job Creation Beyond the IT Sector.](#)" and hosts a panel discussion on Capitol Hill.
- CCIA files [Petition for Writ of Mandamus](#) from the U.S. Court of Appeals for the DC Circuit, asking the Court to compel the FCC to conclude its rulemaking process on special access pricing.
- CCIA [files comments](#) with the FCC supporting LightSquared's efforts to deploy a wholesale satellite/terrestrial mobile broadband network and requests the FCC work with LightSquared and other stakeholders to address interference problems.

August

- DOJ announces it will file an antitrust suit to block AT&T/T-Mobile merger.
- CCIA's [editorial](#) praising DOJ's action on AT&T.

Fall

Many are now starting to believe that even AT&T may not be able to circumvent antitrust law and public interest concerns to suit its business interests. That helped embolden companies fearful of a bigger, more powerful AT&T to tell antitrust authorities what they really thought of the deal. Ed was able to frame the issue of Internet freedom as a trade issue at a WTO panel discussion. In the United States, some policymakers had a different perspective on Internet freedom, introducing an entertainment industry-backed bill under which government, tech companies and other intermediaries would take on an even greater role in policing the Internet. CCIA helped educate staffers and Members of Congress, many of whom filed and supported amendments to the bill and objected to rushing it through before hearing from cybersecurity and Internet experts.

September

- Ed is interviewed on national radio The Jim Bohannon Show on AT&T/T-Mobile merger.
- CCIA hosts "Understanding Search: The Infrastructure, Innovation &

Impact of Today's Search Technology”, search engine briefing and panel discussion on Capitol Hill.

- Ed hosts a panel at World Trade Organization Forum in Geneva on the importance of Free Flow and International Trade, the first of its kind.
- CCIA [signs](#) the ECPA reform petition.
- Ed [publishes](#) his first regular column for the Huffington Post on the growing recognition of Internet censorship as a trade issue.

October

- CCIA [opposes](#) new online sales tax bill, which would impose tax collection requirements on small online businesses.
- CCIA [praises](#) the passage of trade agreements with South Korea, Colombia and Panama.
- CCIA [files comments](#) on the Swiss Telecommunications Surveillance Ordinance.

November

- CCIA [testifies](#) at CECC hearing, “China’s Censorship of the Internet and Social Media: The Human Toll and Trade Impact”
- CCIA submits [written testimony](#) at House Judiciary SOPA hearing.
- FCC releases negative public interest findings on AT&T’s proposed takeover of T-Mobile.
- CCIA hosts a web conference to release its [study](#) “The Impact of Copyright Policy Changes on Venture Capital Investment in Cloud Computing Companies”, linking liability uncertainty and venture capitalist investment in the cloud.
- CCIA [files comments](#) with the FCC requesting the Commission allow DISH Network to move forward with deployment of its satellite/terrestrial mobile broadband network.

Signs of Hope

As the year ended, there were growing signs that Internet users and the Obama Administration were alert to the problems SOPA/PIPA would create for legitimate

tech companies and services and the model this would set for other nations seeking to regulate the Internet for more insidious reasons. Secretary Clinton spoke at an Internet freedom conference in the Hague and a White House petition site had already collected enough signatures against SOPA/PIPA that a response was forthcoming. CCIA praised antitrust authorities for doing their job and standing up for all businesses and citizens who depend on mobile Internet access by blocking the AT&T merger. Even though the law seemed clear, it took courage to stand up to enormous political pressure to look the other way and allow it. This was a significant victory for CCIA and the companies it represents. CCIA, which celebrates 40 years in 2012, is well known for standing up to abusive dominant players and this marks a key victory for tech much like previous IBM and AT&T cases decades ago.

December

- AT&T withdraws its merger bid.
- Ed [publishes](#) his first of many Forbes columns on how Internet censorship harms trade, companies and the U.S. economy.
- The House Judiciary Committee fails to complete its mark-up and passage of H.R. 3261 (SOPA).
- Senator Wyden introduces bipartisan, bicameral legislation, S. 2029 (OPEN Act) as alternative to PIPA and SOPA.

Media Coverage

CCIA was quoted in more than 1,000 publications around the world in 2011 including: AFP, Associated Press, Bloomberg, BusinessWeek, CNN Money, CNet, Forbes, Fox Business, Huffington Post, Politico, New York Times, Reuters, San Francisco Chronicle, San Jose Mercury-News, Washington Post and Wall Street Journal.

CCIA's editorials also appeared in the following publications: San Francisco Chronicle, Roanoke Times, Scranton Times-Tribune, Chicago Sun-Times, Washington Times, San Jose Mercury News, Huffington Post, Politico, Detroit Free Press, and The Hill.

Ed continues to write bimonthly columns for the Huffington Post and Forbes.