



November 21, 2011

Chairman Lamar Smith  
House Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, DC 20515

Ranking Member John Conyers, Jr.  
House Committee on the Judiciary  
B-351 Rayburn House Office Building  
Washington, DC 20515

**Re: The Stop Online Piracy Act, H.R. 3261**

Dear Chairman Smith and Ranking Member Conyers:

The undersigned write to express our serious concerns with H.R. 3261, the Stop Online Piracy Act (SOPA). By permitting private parties to cut off payments and advertising services to websites without court review, the proposal discourages websites from developing or permitting others to develop accessible technologies. SOPA will create a chilling effect in the development of captioning or video description technologies, which will prevent individuals who are deaf or hard of hearing from enjoying equal access to legal content on the Internet.

SOPA motivates websites to deny accessible technologies to individuals with disabilities, for fear that even a meritless copyright claim could shut down the website's payments and advertising. In an ongoing Federal Communications Commission proceeding implementing the Twenty-First Century Communications and Video Accessibility Act of 2010, several commenters claimed that improving closed captions for persons with hearing disabilities, whether done by a company or the individual user, would violate copyright law.<sup>1</sup> Although the legal analyses supporting these claims were cursory or non-existent, these claims would nonetheless be sufficient to force a website to shut down its captioning technology or user controls to enabled users to add or improve captions.

By discouraging the development of accessible technologies, SOPA also hinders the purpose of the triennial anticircumvention exemption process, conducted by the Librarian of Congress, which grants exemptions for technological circumvention done by users of particular classes of works.<sup>2</sup> For example, past rulemakings permitted users to circumvent access controls on ebooks

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<sup>1</sup> See, e.g., Comments of Starz Entertainment, LLC, *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of Twenty-First Century Communications and Video Accessibility Act of 2010*, at 3-4 (Oct. 18, 2011), available at <http://fjallfoss.fcc.gov/ecfs/document/view?id=7021715018>.

<sup>2</sup> See 17 U.S.C. §§ 1201(a)(1)(B)-(D).

to enable a read-aloud function,<sup>3</sup> and in the future members of the public are likely to request a renewal of that exemption or propose similar exemptions. However, the chilling effects of SOPA would discourage websites and users from even attempting to develop the technologies that they need to show legitimate uses of works to propose an anticircumvention exemption to the Librarian of Congress. If SOPA prevents accommodation technology from ever existing, granting exemptions to those technologies would be a moot point.

Although the undersigned appreciate the importance of preventing copyright infringement, the over-expansive reach of SOPA would preclude even legal uses of copyrighted works and create a chilling effect that would stymie the development of technologies that increase access for persons with disabilities. For these reasons, we respectfully ask that the House not pass this bill unless it is narrowly tailored to combat actual copyright infringement and exempts any efforts to increase accessibility for people who are deaf or hard of hearing.

Sincerely,



Howard A. Rosenblum  
Chief Executive Officer  
National Association of the Deaf

Association of Late-Deafened Adults  
California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc.  
Cerebral Palsy and Deaf Organization  
Communication Service for the Deaf  
National Deaf Business Institute  
Telecommunications for the Deaf and Hard of Hearing, Inc.  
The American Society for Deaf Children  
USA Deaf Sports Federation

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<sup>3</sup> See Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies, 75 Fed. Reg. 43,825, 43,838-39 (July 27, 2010).