



September 15, 2006

The Honorable Ed Whitfield
The Honorable Bart Stupak
2125 Rayburn House Office Building
Washington, DC 20515

Dear Congressmen Whitfield and Stupak:

We are writing in advance of the Subcommittee on Oversight and Investigations Hearing scheduled for next Thursday afternoon September 21st regarding "Deleting Commercial Child Pornography Sites From the Internet: The U.S. Financial Industry's Efforts to Combat This Problem."

In March, the Distributed Computing Industry Association (www.DCIA.info) pledged our support of Project Safe Childhood, announced by US Attorney General Alberto Gonzales, to prevent the exploitation of minors over the Internet. We condemn the abuse of distributed computing technologies for such illegal activities.

Support for law enforcement authorities in their prosecution of cyber-crimes – especially those that target children – ranks among our highest of priorities. One of the principal goals of the DCIA and our Members is to help make the peer-to-peer (P2P) file-sharing distribution channel safe and user-friendly for all consumers.

To that end, the DCIA has called upon all affected parties to join in banishing criminally obscene content from the P2P distribution channel and has sponsored the DCIA-led working group Peer-to-Peer Parents And Teens React On Line (www.P2Ppatrol.com). No right-minded person can tolerate the heinous victimization of children that these images represent, and responsible people need to actively participate in eradicating this scourge.

P2P PATROL has had diverse participation from the private sector – including P2P software developers and distributors who have made substantial contributions to its work – as well as federal, state, and regional law enforcement agencies. To date, P2P PATROL has mounted three programs, focusing on education, deterrence, and enforcement.

Its educational focus is to provide everyday P2P users with the tools needed to recognize, remove, and report criminally obscene content inadvertently encountered online. For this program, P2P PATROL owes a major debt of gratitude to the Association of Sites Advocating Child Protection (www.ASACP.com) and Cydata Services for their contribution of cpHotline.org as a data processing resource saving years of development time and expense.

In addition, specialized clients have been developed by DCIA Member SMARTguard Software, and password-protected parent filters have been deployed by major P2Ps. According to the most recent Government Accounting Office (GAO) report, leading P2P

software program Kazaa, distributed by DCIA Member Sharman Networks, for example, identifies titles and metadata to block pornographic and erotic images, and is markedly more effective in doing so than commercial search engines. Please also recall, as noted in our August 23rd letter, that all copyright infringement litigation related to Kazaa was settled in July, and now DCIA Member MetaMachine, in advance of such litigation, also has settled with the music industry regarding eDonkey.

Deterrence focuses on turning back those who may be on the verge of becoming involved in illegal content trafficking, for example by means of pop-up warnings displayed on major P2P software programs in response to certain law-enforcement-supplied triggers: "The search term you entered has been associated with child pornography. Any person who receives, reproduces, or redistributes a visual depiction of a minor engaged in sexually explicit conduct shall be subject to severe fines and imprisonment. P2P PATROL reports suspected violations of Title 18, USC 2252 to the FBI."

DCIA Member INTENT MediaWorks led the advanced development and implementation of the P2P PATROL deterrence program.

P2P PATROL's enforcement program has as its focus supporting the work of law enforcement agencies in identifying, apprehending, and prosecuting abusers of P2P software who perpetrate distribution of criminally obscene material. This has included quarterly working sessions leading to the development and provision of forensics software, the purpose of which is to enhance the productivity of agents conducting P2P investigations.

DCIA Member RazorPop's XFiles 2.4 Law Enforcement (XFLE) is the first P2P client software designed exclusively for law enforcement. XFLE software is now available to be distributed at no charge to qualified government agencies to help combat online distribution of criminally obscene content.

Finally, the Global File Registry (GFR), developed by DCIA Member Altnet, will now make it possible for the first time to filter-out known criminally obscene content at its source. GFR is the cornerstone of Altnet's new post-Kazaa-settlement digital crime prevention strategy.

GFR is a consolidator of infringing file intelligence, which enables cooperating participants to electronically defend the legal rights of law enforcement authorities without impacting the privacy of users. It leverages the Altnet TrueNames patent portfolio by locating TrueNames (unique identifiers) in a centralized database so that known infringing files can be acted upon.

This next-generation solution for digital crime prevention provides content owners with a technology to unify anti-piracy efforts for continuous control over P2P and Internet-wide infringements; P2P applications with a non-invasive solution that reduces P2P distributor liability by enabling DMCA compliance while supporting a content-centric revenue stream; Internet Service Providers (ISPs) with an integrated approach to file-transfer management, filtering, and billing; users with a content shield protecting them from inadvertent or spontaneous criminal or civil digital infringements by preventing downloading of known illicit files; and law enforcement agencies with a proactive global solution to prevent digital crime at its source.

The DCIA and our Members involved in bringing these recently deployed technologies to the marketplace will be glad to meet with you or your staff to provide more details and perform live demonstrations, including methods being deployed to accumulate infringing file identifiers on the Internet.

As previously indicated, we strongly believe that this approach will lead to a better Internet for all, and request your support of our outreach efforts to Internet Service Providers (ISPs), whose participation – including specific roles, responsibilities, and remuneration – needs to be clarified at this juncture for the most substantial benefits to be achieved. We will contact your office to follow-up. Thank you very much for your continued interest in our developing industry.

Respectfully,

Martin C. Lafferty
CEO, DCIA

CC: Subcommittee on Oversight and Investigations

The Honorable Cliff Stearns

The Honorable Charles "Chip" Pickering

The Honorable Charles F. Bass

The Honorable Greg Walden

The Honorable Mike Ferguson

The Honorable Michael Burgess

The Honorable Marsha Blackburn

The Honorable Diana DeGette

The Honorable Jan Schakowsky

The Honorable Jay Inslee

The Honorable Tammy Baldwin

The Honorable Henry A. Waxman

The Honorable Joe Barton (Ex Officio)

The Honorable John D. Dingell (Ex Officio)

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