

The NetChoice Coalition

Promoting Convenience, Choice, and Commerce on The Net

Steve DelBianco, Executive Director
1401 K St NW, Suite 502
Washington, DC 20005
202-420-7482
www.netchoice.org



April 9, 2012

The Honorable John Hunt, Chairman
House Commerce and Consumer Affairs Committee
107 North Main Street
Concord, NH 03301

RE: **Opposition SB 175 – An Act Regulating the Commercial Use of a Person’s Identity**

Dear Chairman Hunt:

We understand the need to protect a person’s identity from unauthorized commercial use. However, we worry that SB 175 creates unworkable burdens on search engines and online advertising services. Moreover, these burdens limit websites’ ability to provide free content to New Hampshire citizens.

Search engines and online advertising services automatically deliver ads using an algorithm based on the search terms provided by a user. But under SB 175 these automated results could violate the law and expose online businesses to civil lawsuits.

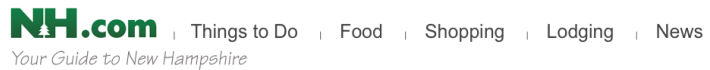
For example, consider the free website NH.com, run since 1995 by *The Telegraph*, a daily newspaper for Nashua and the Southern Merrimack Valley Region.

NH.com provides residents and tourists a valuable resource to learn about food, shopping, events and news about the Granite State.

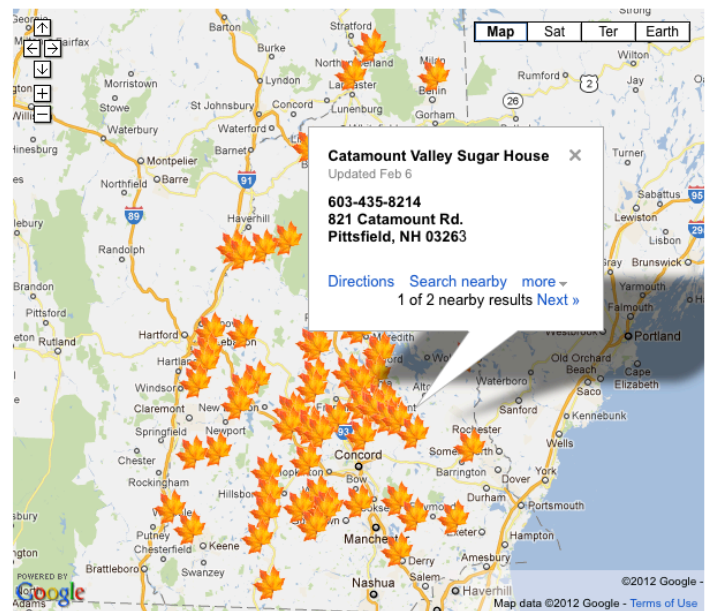
This website helps drive visitors to New Hampshire businesses.

Just last week, NH.com showed syrup retailers and sugarhouses celebrating Maple Sugar Weekend. (see insert)

Much of the free content that NH.com provides is paid by ads and ad-based search results. But under SB 175, NH.com might have to move away from its ad-supported business model.



From sugaring tours, to demonstrations, to samples and other goodies, Maple Sugar weekend offers fun for the whole family and will be sure to sweeten your day! Use the + / - buttons to zoom in/out.



If a user searches on NH.com for "George Foreman Grill review" they are shown ads that include links to an Old Smokey 29" Electric Smoker. (see screen below)

NH.com | Things to Do | Food | Shopping | Lodging | News
Your Guide to New Hampshire

Search NH.com

george foreman grill review x

Ads by Google

George Foreman® Grills
www.georgeforemancooking.com/Grills On Sale - Up To 30% Off. Shop Now! Free Shipping On Orders Over \$99.
Small Grills Medium Grills
Large Grills Indoor-Outdoor Grills

Outdoor Electric Grill Reviews
ask.com/Outdoor+Electric+Grill+Reviews Find Fast Facts, References and More on Ask.com. Get Answers Now!

George Foreman Evolve Grill
georgeforeman.bizrate.com/ Be The Grill Master. Save on George Foreman Evolve Grill!

But if the legislature passes SB 175, these search results could result in NH.com facing injunctive and statutory damages.

Moreover, the uncertainty that SB 175 creates for Internet advertisers may discourage them from advertising on sites like NH.com. These types of ads are essential to the viability of sites like NH.com and millions of other free online services that New Hampshire residents and visitors enjoy.

For the reasons stated above, we urge you to oppose SB 175 and to avoid undermining online advertising that pays for the free content enjoyed by New Hampshire residents and businesses.

Thank you for considering our views. Please let me know if I can provide further information.

Sincerely,

Steve DelBianco
Executive Director, NetChoice

NetChoice is a coalition of trade associations and e-Commerce businesses who share the goal of promoting convenience, choice and commerce on the Net. More information about NetChoice can be found at www.netchoice.org

cc: Members of the Committee