

February 11, 2026

Oregon State Senate
Senate Committee On Commerce and General Government
Oregon State Capitol
900 E Court St. NE
Salem, OR 97301

Re: SB 1580 – “Relating to Compensation for Journalism.” (Oppose)

Dear Chair Meek, Vice-Chair Drazan, Members of the Senate Committee On Commerce and General Government:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose SB 1580 in advance of the February 11 hearing before the Senate Committee on Commerce and General Government. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.¹ Therefore, proposed regulations on the interstate provision of digital services can have a significant impact on our members, including those that host or link to news content.

CCIA values free speech and recognizes the important role of local journalism; however, the bill as introduced, which resembles the most recent version of SB 686 from last year, will not solve the challenges newsrooms are facing today. We continue to have serious concerns about the bill’s constitutionality and the likely long-lasting, detrimental effects on Oregon’s news and digital services industries.

Like its predecessor last year, which the Association also opposed,² SB 1580 is premised on the misconception that digital services somehow ‘siphon’ revenue away from news sites by linking to them and then sending them traffic. While there is a major transition going on in newsrooms nationwide, this is due to a number of factors, as explained by a 2022 report from the U.S. Copyright Office.³ Overall, there is little evidence of any causality, and in reality, news sites depend on linking, and the publications get much of their traffic from search engines and news aggregators.

SB 1580 is unconstitutional in numerous ways.

SB 1580 would violate state and federal constitutional protections of free speech. Even with the minimally updated definitions of “accessing” news content for an Oregon audience, the display of news content to users remains at the center of the bill and does not solve the First Amendment concerns we raised last year.⁴ In addition, SB 1580 exposes covered entities to

¹ For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.

² CCIA Written Comments OR SB 686-B, CCIA (June 23, 2025), <https://ccianet.org/library/ccia-written-comments-or-sb-686-b/>

³ Copyright Protections for Press Publishers: A Report of the Register of Copyrights (June 2022),

<https://www.copyright.gov/policy/publishersprotections/202206-Publishers-Protections-Study.pdf>, at 7-16.

⁴ Computer & Communications Industry Association (CCIA) Concerns with SB 686 -3 Amendments, CCIA (Apr. 29, 2025), <https://ccianet.org/library/computer-communications-industry-association-ccia-concerns-with-sb-686-3-amendments/>

significant liability for routine conduct such as linking, indexing, or displaying indexes. The bill would enable digital journalism providers to recover the greater of “actual damages or statutory damages of \$1,000 per access” — it is unclear what qualifies as “per access,” and is not capped — as well as punitive damages, “any equitable relief the court considers necessary or proper,” and “reasonable attorney fees and costs.” These potentially exorbitant remedies create substantial legal uncertainty and incentivize compelled agreements under threat of litigation, raising serious due process concerns and further chilling lawful speech.

SB 1580 also fails to solve the free speech concerns found in the previous versions of the proposal last year. Labeling expressive conduct as something else (in this case, “access” which applies to indexing, referencing or displaying content) does not meaningfully address the free speech issues. Overall, these updates did not solve any constitutional or preemption concerns found in other versions of the bill, and the core problems discussed in our previous written testimony still remain. As CCIA has said before, the bill conflicts with the Supremacy Clause because it requires payment for the display of headlines, ledes, facts, and other elements of copyrightable works that the Copyright Act provides are freely accessible. Because of this, the bill is also expressly preempted by Section 301(a) of the U.S. Copyright Act.⁵

SB 1580 will not contribute to sustainable, meaningful funding for community publications.

In addition to unintended consequences for free speech, SB 1580 would be largely ineffective. SB 1580 would also provide little help to local newspapers or reporters in Oregon. Much of the money would still go to large out-of-state publications or out-of-state publications owned by hedge funds or broadcasting conglomerates. Even with attempts at amended language, including an emphasis on “access for an Oregon audience”, the changes would only benefit news outlets that meet strict and complicated criteria and are likely to further entrench large media corporations and harm smaller competitors, as well as impose compliance costs that smaller outlets are less able to absorb.

In various parts of the world, these kinds of link taxes have passed and created detrimental conditions for both community publications and internet users alike. Past efforts in Germany, Spain, and France, as well as ongoing efforts in Canada and Australia, have resulted in vast reductions in traffic being driven to news websites.⁶ Indigenous and immigrant community publications, which often rely on the internet to reach their audiences, have also been disproportionately affected, and vital investment in the news industry slowed dramatically or stopped altogether due to the uncertainty of these laws.⁷

⁵ CCIA Written Comments on OR S. 686 – Oppose, CCIA (Apr. 17, 2025)

<https://ccianet.org/library/ccia-written-comments-on-or-s-686-oppose/>

⁶ Link Tax Failures: Global Efforts Continue to Uproot the Internet’s Foundation and Journalism Ecosystem, CCIA (May 14, 2024), <https://ccianet.org/library/link-tax-failures-global-efforts-continue-to-uproot-internets-foundation-and-journalism-ecosystem/>.

⁷ Panel Urges Policymakers to Consider Past Lessons on Link Tax Policies (Sept. 17, 2024), <https://ccianet.org/articles/panel-urges-policymakers-consider-past-lessons-link-tax-policies/>.

SB 1580 will harm the information-sharing ecosystem.

Putting these serious legal and economic problems aside, the bill would start the internet down a slippery slope. The internet depends on linking, and once Oregon requires these kinds of agreements that mandate if and how a digital service can host news, there would be no end to Oregon (and other states) applying similar practices to other industries favored by legislatures, raising serious concerns under the Dormant Commerce Clause. During a time when half of U.S. adults get news “at least sometimes” from social media, publications must be able to reach their current and potential audiences.⁸

SB 1580 undermines the principle of open access to information on the internet, misunderstands the value of linking for publications online, and stands to repeat similar unsuccessful attempts seen in various parts of the world. Furthermore, the bill also mischaracterizes the role digital services play in the online information ecosystem, and how they act as important mediums for information sharing and free expression on the internet.

Overall, this bill continues to threaten news access and the free flow of information online. The bill’s language relies on subsidizing one industry at the expense of another and avoids finding a sustainable solution that supports independent community publications.

While we have concerns about this bill, we stand ready to work with you on truly supporting local journalism and free expression on the internet.

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We appreciate your consideration of our comments and stand ready to provide additional information as the Oregon Legislature considers proposals related to technology policy.

Sincerely,

Aodhan Downey
State Policy Manager, West
Computer & Communications Industry Association

⁸ Social Media and News Fact Sheet, Pew Research Center (Sept. 5, 2025)
<https://www.pewresearch.org/journalism/fact-sheet/social-media-and-news-fact-sheet/>.