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Transparency and Consequences

Wednesday, February 24, 2010 4:30:12 AM

Dear Ms. Espinel,

I recently read your post on the WhiteHouse.gov blog about protecting intellectual property. Since I consider myself part of the Information Technology industry, I feel I'm a little more educated than most Americans about the battles being fought over new media and old means of protecting the hard work of Americans like myself. I have two suggestions for what your team could do better as a government.

First, be transparent. If there is a process in development, make that development open to the American people. If you get significant pushback and negative feedback, maybe the ideas under development need to be rethought. Less transparency breeds an environment of mistrust and creates an adversarial dichotomy between citizens and their government.

Second, when enforcing intellectual property laws and regulation, do so with compassion and understanding. For instance, there are some imitation iPhones available in China that are spreading to other countries like the United Kingdom. I would argue in favor of much leniency regarding the enforcement of the patents that Apple holds because Apple refuses to make the iPhone available in these countries.

Also, a "three strikes" law for enforcing IP legislation isn't going to recoup the losses from infringement. It will create a population of second-class citizens (this is especially true now that so much of our lives revolve around technology and our various means of accessing global communications) who would then have the motivation to learn to circumvent enforcement in more creative ways.

To be more specific about my general arguments above, the US government should be applying the most pressure for making the Anti-Counterfeiting Trade Agreement negotiations public. Our country is quickly approaching a firestorm of national dialog about how to treat intellectual property in general, and enacting draconian legislation will only exacerbate feelings of mistrust and anger on both sides.

Sincerely,
Anthony Accurso