

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: Intellectual Property comment
Date: Saturday, February 27, 2010 8:33:20 AM

February 27, 2010

Ms. Victoria Espinel
U.S. Intellectual Property Enforcement Coordinator
intellectualproperty@omb.eop.gov.

Dear Ms. Espinel,

I am an author, and my work is available in print and in electronic (ebook) formats. My husband and I own and operate a growing publishing company where we produce print and ebooks.

Very recently I discovered that my debut novel is being pirated and downloads are being given away freely on a known pirate site, Astatalk. This is the first time (to my knowledge) that my work is being pirated. There could be many more instances.

Since this is the first time this has happened to me, I have no real knowledge as to what to do. I know many authors who have experienced the same thing and have had mixed success in getting the pirates to remove copyrighted work from their sites. More often than not, their responses have been more vexing than helpful. These pirates are worse than cockroaches because as soon as one is "shut down," a thousand more can take their place.

I cannot speak for others, but I want you to tell you about my case. My story is one example of millions that are out there. This number will rise as ebooks and e-publishing grows.

I was able to track down my pirate via Facebook. How? Another author discovered that there is a fan page for Astatalk on Facebook where these pirates congregate. You can look and see the "fans" of this group. Out of curiosity, I did so and found my pirate. Several authors have reported the group to Facebook, but there is no guarantee that they will do anything about it.

Of course I cannot access my pirate's personal details, but just knowing that this person is illegally sharing my work and abusing not only my copyrights, but has the potential to impact on my earnings from my work, is galling.

If someone stole my identity, they would be breaking the law. If someone stole my money, they would be breaking the law. In both cases, they could be taken to court and held accountable by going to jail, paying a fine, or both.

But if someone steals my intellectual property or infringes my copyrights, there is little I can do about it. And what I can do has as much effect as stopping a tsunami with a sandbag.

If I were to find out this pirate's banking details and share them on

the Internet, I would probably go to jail. But that is exactly what these pirates are doing. By stealing my work, they are tapping into my income with every illegal download that is made. I am not rich—not by a long shot—but that does not mitigate the fact that someone is stealing from me.

Recent news articles only shows how little people understand (or care) about the seriousness of this kind of infringement. People believe that in this “DJ culture” of remixing and sampling, everything should be free and open for manipulation. This is not true. People work hard, made sacrifices, spent time and money to learn their craft in order to produce their work. They have the same right to protection of their intellectual property as a person does with their physical property.

If you want to see apathy in action, look at <http://joelfightsback.com/> where it quotes: “Our argument on this point comes directly from a nearly hundred-year old Supreme Court case that said that damages awarded according to a specific statute (as in this case, since the Copyright Act specified a range of damages) are invalid if they are “so severe and oppressive as to be wholly disproportioned to the offense and obviously unreasonable.” The Supreme Court has more recently extended that logic to cases where very large damage awards have been levied against corporate defendants, but we don’t even need to rely directly on those cases. After all, if it’s not “obviously unreasonable” to bankrupt a PhD student for sharing a few songs on Kazaa without the record industry even alleging any direct harm that came from his file sharing, then what is? Judge Gertner’s consideration of this issue has been explicitly postponed until now, and we are optimistic that she will recognize just how unfair it would be to force Joel to pay \$650,000 to the record industry for sharing 30 songs.”

The abuse of copyright and intellectual property is not a “victimless crime.” I sincerely hope that the US government will do what it can to close any loopholes and enforce laws to hold people accountable for their actions.

If this is allowed to go unchecked, it will effect businesses large and small, and discourage creativity--not encourage it.

Sincerely,

Zetta Wiley Brown
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