

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: Comments on the Joint Strategic Plan
Date: Tuesday, March 23, 2010 10:01:22 AM

Victoria Espinel
Intellectual Property Enforcement Coordinator
Office of Management and Budget
Executive Office of the President

Dear Ms. Espinel,

Having spent the better part of my professional life explaining to clients the value of using properly licensed music, I have a great appreciation for the complexity of the subject. It is one that is fairly impenetrable to the general public. Creators must be compensated fairly for the use of their intellectual property, but not at all costs, and certainly not by recouping damages based upon false accusation, mistaken use classification, or merely upon suspicion. Further, current copyright law impedes even legitimate, educational use of copyrighted works through its complexity. Libraries must err on the side of caution and not make available, or even preserve, works which are part of our endangered musical heritage simply because there is no clear, legal path to do so. This will be a great loss if it continues, as the media upon which these works are recorded will not last forever, and some will not last another year.

I urge you to scrutinize carefully the anti-circumvention provisions of the Digital Millennium Copyright Act that can criminalize legitimate use of legally purchased works. If no damages are done, then none should be rewarded and no punishment imposed. I also implore that you guard against the potential abuse of internet enforcement of copyright law. Internet providers must act responsibly and uphold copyright law, but should not be given powers of law enforcement or surveillance. Public awareness is a much more effective tool that should be promoted in any such policy. Even the very young can grasp the concept of fairness. This must be encouraged and the concepts reinforced in educational programs.

I wish you the very best of luck in what is surely a daunting task, and hope for open, enabling and understandable intellectual property policies rather than the extant draconian remedies.

Respectfully,

-Bruce

Bruce J. Gordon
Audio Engineer
Eda Kuhn Loeb Music Library
Harvard University
Cambridge, Massachusetts 02138
U.S.A