

From: [REDACTED]
Sent: Monday, March 15, 2010 5:23 PM
To: FN-OMB-IntellectualProperty
Subject: Comments on the Joint Strategic Plan

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I'm a professional who makes his living in the realm of intellectual property. I have been developing software, professionally, for over 20 years now and have dealt with both sides of the intellectual property debate - i.e from the consumer and producer. There's a number of things that have bothered me about the intellectual property laws in this country, but perhaps the most distressing problem has been the seeming lack of any accounting of the costs of these laws to the citizens of these united states.

One simple example of how, for example, copyright laws have affected us is the example of Disney. Disney is a company which makes its money off of intellectual property. It is one of the biggest proponents of extending and maintaining copyrights well beyond any rational measure - to "infinity and beyond", as far as I can tell. And while defending a draconian copyright regime, Disney itself is making billions off of the public domain. Alice in Wonderland. Pocahontas. Mulan. Sleeping Beauty. Beauty and the Beast. Snow White and the Seven Dwarves. You name the movie the Disney makes money on and and my guess is that undoubtedly it comes from the public domain. But while Disney can reap the benefits of public domain, our intellectual property law ensures that no one else will be able to do the same with the intellectual property produced by Disney. Not only is this manifestly unfair, we're depriving ourselves and our economy of whatever products could have been produced.

Another example is the anti piracy measures. The effects of this portion of intellectual property laws have been chilling and the result is that we are now far more vulnerable as a nation because it is literally a crime to reverse engineer something. Amazing. I've always been leery of protectionism, but this particular part of the Digital Millennium Copyright Act is simply stunning in its scope and effect. Rather than provide a balanced approach which meets the needs of both consumers and producers of intellectual property, these laws throw balance out the window and make it a crime to make legal use of the media we have bought. I simply cannot believe we have gotten to the point where I can't even resell a book - or for that matter, even give it away to my mother - much less lend a book to a friend because of the draconian digital rights management software that has sprung up as a result of these laws.

From what I've been reading about the Anti Counterfeiting Trade Agreement (ACTA), things are only going to get worse. It's stunning to realize that my own government is simply throwing balance again out the window and is even negotiating this trade agreement in secret. It's hard to imagine a more Kafka-esque process than what I've been witnessing. But there it is.

I'm fairly certain my pleas will fall on deaf ears, but it would be nice if for just once we started negotiating these laws and trade agreements with some balance. Everything can't be about the producer and protecting business. Over the last 20 years, that is unfortunately all I have seen.

Sincerely,

Hal Hildebrand