From:
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Subject: Priorities in intellectual property enforcement

Attachments: william_hogan.vcf

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1. Promote and protect intellectual, scientific, and artistic freedom. Strong fair use polices are necessary.

- 2. Time periods of any patent or copyright protections must be strictly limited. All protected work must enter the public domain at the end of the protected time period, that is the only constitutional quid pro quo.
- 3. Protect the public from real harm or loss because of fraudulent IP, ie. fake drugs or counterfeit products that truly compromise health or safety.
- 4. Protection of IP must be balanced between the needs of the many and the desires of a few. Fines, sanctions, or awards for misuse of IP should be limited (and proportional) to actual economic losses. Enforcement of IP rights should generally be a civil affair with criminal prosecution only in cases of broad harm to the public good.
- 5. Unconscionable restrictions of individuals human, political and economic freedoms must not be allowed. Enforcement based on allegations via draconian extra constitutional activities must be forbidden. Concepts such as 'three strikes and an individual (which we note, is often a family or other group of people) is cut off (by fiat and by actions of private corporations) from Internet service are repugnant in any democracy based on rule of law.
- 6. There are no technical fixes or perfect (or even workable) digital rights management schemes that will cure these issues, and mathematic and computer science show us that there never will be. All fantasies to the contrary, only honest customers will ever be harmed, no dedicated infringer will ever be stopped, and such schemes are absolutely questionable in the face of the necessary (for vital political and economic reasons) protections granted for fair use, the limited time period of protection, and the requirement of issue into the public domain of all such protected works.
- 7. ACTA as with all such secret treaties, 'private' negotiations, or hidden 'national security' issues, is not the hallmark of a vibrant and healthy society, either politically and economically. They are the result of desolute, venal, and corrupt processes. Such proceedings often start with bad science (political, economic, and technical) and invariably lead to bad law and bad public policy. Time and again we find that the secrecy was necessary only to protect those truly bad ideas from the light of an informed, constructive public debate. Public polices being made publicly is proven historically to achieve the most good for the most people. Reject hidden dealings.

William Hogan 2451 North Weil Street Milwaukee, WI 53212 414-264-6011