

From: [REDACTED]
Subject: Joint Strategic Plan Public Comments with pdf Attachment
Date: Tuesday, March 02, 2010 9:27:40 AM
Attachments: [IPEC Submission.pdf](#)

Hello;

If your office is accepting .pdf's as submissions, please find mine attached, otherwise I have copied the text below as well.

Thank you in advance for your on-going efforts and transparency.

Continued success,

Robert Hoover

Dear Madam Coordinator:

As part of your office's intellectual property enforcement coordination efforts, I believe it is incumbent upon you to integrate into The Joint Strategic Plan, as a matter of explicit policy and practice, the wide range of voices examining and understanding how copyright law and intellectual property enforcement is fundamentally broken in this country, is being used in direct opposition to some of our many, and primary freedoms, and is suffocating art, speech and business. These views are held throughout this country, ranging from leading copyright scholars and authors at our nations best universities and businesses, to, well, people like me, a simple cook in a small town in Vermont.

U.S. Copyright law is increasingly out-dated, out of touch, becoming more and more unenforceable, and is simply broken. Well, what specifically is broken? The deal. The deal, as envisioned by our founding fathers, that copyright law is an understanding and agreement between us the governed and you the governing (U.S. Constitution, Article 1, Section 8, Clause 8: "To promote the Progress of Science and useful Arts, **by securing for limited Times** to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."). The young Mr. Thomas Jefferson himself was acutely aware of the principal inconsistency of copyright "law":

"If nature has made any one thing less susceptible than all others of exclusive property, it is the action of the thinking power called an idea, which an individual may exclusively possess as long as he keeps it to himself; but the moment it is divulged, it forces itself into the possession of everyone, and the receiver cannot dispossess himself of it. Its peculiar character, too, is that no one possesses the less, because every other possesses the whole of it. He who receives an idea from me, receives instruction himself without lessening mine; as he who lights his taper at mine, receives light without darkening me. That ideas should freely spread from one to another over the globe, for the moral and mutual instruction of man, and improvement of his condition, seems to have been peculiarly and benevolently designed by nature, when she made them, like fire, expansible over all space, without lessening their density at any point, and like the air in which we breathe, move, and have our physical being, incapable of confinement or exclusive appropriation."

As demonstrated in the one-way growth of copyright term extensions to over 100

years, **the deal has been broken, and broken by the governing**. Your office has taken up the President's call: "One of the problems that we have had is insufficient protection for intellectual property rights" in that every issue raised throughout Part II of your office's Request for Comments demonstrates an unspoken assumption: more policing, more legislation, more enforcement is better enforcement and will improve the lives of all American citizens.

Do we know what it is that has recently so convoluted copyright law and required the beneficence of many private, commercial organizations to create yet another intellectual property enforcement agency?

Why yes, we do: the wonderfully, creatively, disruptive technology we all refer to as "the internet". A technology of connected computing machines that was originally created by the direct research efforts of our Government and within it the Defense Advanced Research Projects Administration (DARPA).

However, the list of enforcement "problems" that have followed from the widespread connecting of computers, as presented by your office in The Federal Register, reflects not some *blindingly new phenomenon*, **but rather a wish list of Government Assistance for certain businesses and industries who have failed to understand and adapt to convulsive change**. These changes have been known about for over 15 years;

http://www.wired.com/wired/archive/2.03/economy.ideas_pr.html

yet your office is tasked with **fighting** the very inherent (mechanical and electrical) nature of our digital economy. An economy that was predicted, indeed hoped for, by visionary American scientists dedicated to sharing information.

Make no mistake about it, this citizen is grateful for the opportunity to comment on the very important work your office is just starting to undertake, and the opportunity to express my best hopes for the continued success of your and your office's efforts.

Sincerely,

Robert Hoover

Stowe, Vermont