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*The right to digital disobedience: *Profit must not be extorted from the people by making half of all of us unprocessed criminals.**

Notes:For the sake of argument I say that distribution=copying so I do not mention distribution much if at all in the comments below.

Torrents while still mostly seen in the courts as a link to a file and not the file itself IMO should be treated as the file in question as its moot to have the torrent if you cannot gain access to the file, so anything that links to the file in question should be treated as the file in question.

Copy right and patents really need reform badly you have so much abuse from corporations with little to no policing, other than letting the courts sort it out in a arbitrary manner, they need to be fined for even taking it to court the court should make money off business disputes because of all the nannying they require. But I digress.

Copy right needs to focus on profit much more than distribution or copy as unlike 100 years ago to copy meant to profit from it in some way. In the modern age copying is a oblivious term these words I type may well be copy righted the pictures on this page I am posting to are copy righted and I infringe upon them when I hit send, its that's easy and thus we need more protections for copy circumvention up to getting into DRM servers and such as of now the DMCA makes transcoding or making a back up of your DVD illicit unless you use a alanlog device like tape or a VCR. Even legitimate software that bought CSS encryption to decode a DVD and put another layer of DRM on it was shot down in court because real could not withstand the might of the media conglomerates.

This means that fair use or digital disobedience rights needs to be expanded one may post anything in public for download or viewing AS LONG AS they do not make a profit or draw money in from the market environment(no ads, no donations, a link to a file is the same as the file no matter how many links, jumps or hops, torrents and such programs that use such obfuscated means of transport still have to hold to the standard of this ideal of make no attempt at gaining money without a license) from doing so. The cost of shearing that information should come out of pocket by the individual shearing it and that if they grow as large in bandwidth and files as a mid to large digital retail site they become a competitor and must buy licenses to remain legal. With

that said hardware and software circumventions that do not violate patents (IE the proper use of designs) or copy righted code(copyrighted firmware,bios,roms,ect) cannot and must never become illicit like they are under the DMCA. Because if they can block "copying" of any kind then talking in public about, posting about or blogging about something will be scrutinized by lawyers and entrepreneurs over where they can make the most money via the courts or the retail market.

The DMCA has taken a lot of our rights away and handed them to the courts to sort out, and its quit frightening yet also so childishly silly. Profit must be protected but not at the cost of making half or more of the populace unprocessed criminals.

Profits need to be protected the best way to do that without making most of the populace criminal is to tax digital storage hardware and the internet much like we tax tape and black recordable discs(CD,DVD,Blu ray,ect).A flat 10% tax on the sale price of these items where 1-3% runs the regulatory/tax board and the rest is divide up to the whatever artist group/lobby whines the most before the board , the smallest groups should get the most money as they are the truly harmed by the whole system and the stagnate monopolistic grip the music industry has on that sector.

With this in place and 200+ year copy rights it's only fair to allow the public circumvent protection on hardware and software, to post and talk in public, and yes share in the wealth and knowledge of all copyrighted items as long as its shared out of their pocket and it does not even attempt to take in money as taking in money in any fashion needs to be the purview of legal business while the public can be fans and add to the wealth of copy right freely without living in fear of being a criminal.

In final

To anyone reading this it is important that you at the very least take away one train of thought and that is focus more on profit not copying/distribution, if it is not making profit(or taking donations to run the service) is not harming anyone. If you follow the money all the big name and lesser known sites take in money unlawfully it does not matter the reason it needs to be stopped you can either pass laws that harm the law abiding , think gun laws and silly rules/laws that are for the sake of appearance and not function or even criminality feel good laws hurt us more than they help us and the DMCA is most a feel good law and copy right and patents is being allowed to degenerate into authoritarianism because no one bothered to keep track of what the big boys are doing.

PS:I apologize for my grammar I have learning disabilities that make it difficult for me to understand the proper flow of words.

PSS: Sites like youtube and free blogs or web pages that run off of ad revenue to pay for bandwidth could be allowed some "digital disobedience" the specific page or file in question must either show adds that link to the legal sale or advert for the product being distrusted OR have no adds on any page that links to the file in question this would allow CP owners to mitigate and marginalize the true harm cause to the industry by unlawful profit.

PScrazytown crazy:

Ok here is a crazy insane thought you can disregard as much as you wish,

overhaul Copy right as something that cannot be sold off but rather the creator contracts out to have a profit be made off of for 1,5 and 10 year periods. That always returns the full profit right to the creator or family. This copy right is good for 100 years then falls to the public domain with no way to extend it no matter how rich the opposition gets. Now extend trademarks as so it's easier for a brand to keep its symbol/whatever (max 10 years with no sale of the item under the brand), this would allow for much more free market competition over whatever people of the day will pay for, the best liked not the one with the most money will win at the end of the day. This with the above "digital disobedience" will keep the system flowing and the neglected CP creators well compensated for their efforts and not allow the middle men to come in and lay waste to whole sectors and genres because they think dcking with one more layer of control(slotting genres, watering down content, preventing other content from getting out because it's not their caned protected IP) will gain them a fatter bottom line no matter what the real costs are.....as monopolies/empires require alot of money for the mid to top tiers to barely function much less work right..... when all the profit goes to the mid and above...what's the point of a company to stay in business or pay the top tiers so they can go out of business in style?

Ack rants go the best of me here I do apologize .

Thank you for your time

Willaim Wesley Lee Jarvis

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THIS is what I sent in for the 2010 Special 301 Federal Register Notice (Document ID USTR-2010-0003-0001). But the sentiment is the same the general public simply can not infringe or counter fit IP/CP once they cross that line to gain money for any reason then they become a illicit business that can be easily shut down. Scrutinizing the public over anything more than that is just another fou and phallic war on "something" and we lost that war with drugs yet for the system it makes millions yearly at the cost of treating people like dirt, we need to balance everyones rights not just see a revenue stream and rape it for all its worth.....