

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: intellectual property laws
Date: Monday, March 15, 2010 8:19:02 PM

Re: Comments on the Joint Strategic Plan

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

Dear Ms. Espinel:

I am writing today in regards to your request for public input on intellectual property rights and enforcement around copyright infringement. I feel that any strategic plans for enforcement of intellectual property should measure all of the costs and benefits involved. Enforcement has its own costs to citizens and consumers, especially when legal uses of copyrighted works can be mistaken for infringement. The Joint Strategic Plan should carefully examine the basis for claims of losses due to infringement, and measure credible accounts of those losses against all of the consequences of proposed enforcement measures, good and bad.

I believe that the idea of cutting off Internet access in response to alleged copyright infringement is not an appropriate response. Internet connections are not merely entertainment or luxuries; they provide vital communication links, often including basic phone service. This would be like asking the for a person's electricity to be turned off because they are accused of committing a crime with the lights on. This is even more clearly unfair in cases where users are falsely or mistakenly accused and they are punished in a "guilty before proven innocent" way that does not reflect the ideals of this country.

Internet service providers should not be required or asked to violate users' privacy in the name of copyright enforcement beyond the scope of the law. Efforts to require or recommend that ISPs inspect users' communications should not be part of the Joint Strategic Plan.

The anti-circumvention provisions of the Digital Millennium Copyright Act can criminalize users who are simply trying to make legal uses of the media they have bought. If media has been paid for, it is up to the consumer what he or she does with it. Breaking digital locks on media should not be a crime unless they are being broken for illegal purposes. The government should not spend its resources targeting circumventions for legitimate purposes such as copying for personal use.

Any plans or agreements on IP enforcement, like the proposed Anti Counterfeiting Trade Agreement (ACTA) should be made open and transparent. By keeping the public in the dark, the only voices allowed to be part of the conversations are the ones with the money to buy in (and thus financially benefit from any rules written). In dealing with questions of copyright and the Internet, too much is at stake for our country's laws and policies to be made out of the public eye.

Sincerely,

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