

From: [REDACTED]
Sent: Tuesday, March 16, 2010 12:48 AM
To: FN-OMB-IntellectualProperty
Cc: aileinduinn@gmail.com
Subject: Re: Comments on the Joint Strategic Plan

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

Dear Ms. Espinel:

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 deliberately misrepresented as 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.

Measures like cutting off Internet access in response to alleged copyright infringement can do more harm than good. Internet connections are not merely entertainment or luxuries; they provide vital communication links, often including basic phone service. I am certain you would not want the CNN moment of the 911 call that didn't happen because a skype phone did not work as a result of such a disconnect, particularly if it is found that the users were falsely or mistakenly accused. It is a social liability based on a false premise of lost profits to organizations that have demonstrated no true damages.

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. This is an Orwellian strategy at its best.

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. 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.

All plans or agreements on IP enforcement, like the proposed Anti Counterfeiting Trade Agreement (ACTA) should be made open and transparent immediately. 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.

And furthermore, there is a very organized backlash against open source software that is completely unfounded,

facetious, and based only in the fear of not being able to profit as the result of altruistic programmers and coders. There are extensive social benefits of open sourcing that reach all the way into hospitals, community organizations, churches, non-profits (for example the non-profit in which I am involved) and persons of economic disadvantage. Please do not make the Joint Strategic Plan a one-sided document hinged on protecting the interests of profiteers at the expense of the very people you are charged with serving. Coders and programmers like myself have spent millions of hours of our own time to develop open source resources for ourselves, our friends, our communities, and our country, please do not let that get thrown away or squashed underfoot.

Sincerely,

A.J. Moore

Community Technology Resource, a 401c3 Organization Dedicated to Closing the Digital Divide in the Coulee Region.

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