

**From:**  
**To:** [FN-OMB-IntellectualProperty](#)  
**Subject:** Comments on the Joint Strategic Plan  
**Date:** Wednesday, March 24, 2010 10:43:44 AM

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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 have worked for over 15 years in support of independent media artists - filmmakers and those practicing new media - as a grant funder, educator, producer and advocate. The tone of your request for comments makes it clear that you only view intellectual property in light of the anti-piracy measures as viewed by the MPAA and others. They do not reflect the needs or concerns of ordinary, independent artists, nor do they reflect those of consumers. What is needed now is balance - as the framers of the Constitution intended - in respect to copyright. We are at the dawn of a new era in media production and consumption, and the law should not be used to squash new business development just to maintain an older system. The US should respect copyright law, but do so with balance and be sure that any 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.

While the balance of my letter is verbatim from the group Public Knowledge, it does reflect my interests and those widely held by most makers and consumers of independent media that I have known or worked with.

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. This is even more clearly unfair in cases where users are falsely or mistakenly accused.

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. 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.

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

Brian Newman

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