

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: copyright concerns
Date: Tuesday, March 16, 2010 4:17:46 PM

Dear Ms. Espinel,

Thank you for asking for public comment on US copyright and its enforcement. As a producer of intellectual property, I'm very interested in both the protection it offers my labor, and the way other people can use it fairly.

Some of what concerns me is the topic of who owns what. There needs to be a fair balance between allegations of copyright fraud and the punitive measures taken against fraudulent assertions of ownership. I know what I've created, and it is not fair that my work may be impugned by third parties that claim ownership or infringement. It's true that there is civil liability for this, but as the civil process is difficult and expensive, there may be a need for criminal penalties for false copyright assertion.

Similarly, there needs to be a judicial process for punishing those who use the internet to infringe copyright. Oh, wait.... there already is. Our judicial system already gives content producers the right to sue those who are stealing from them. Most measures that propose cutting internet access to people accused of infringement neither allow for a third-party review of this decision, nor do they allow for penalties for a false accusation! A fair system should have both a system for oversight and appeal, and punitive measures against those who would accuse wrongfully.

Finally, as an educator I have strongly relied on audiovisual examples for my classes. It's rather hard to teach about Strauss if you can't hear the music. I've managed so far because I have an extensive VHS and cassette tap library, and the equipment to properly copy and mix things. As more media migrates to digital formats, I'm faced with a difficult problem. I may only need 30 second clips of "Chinatown" and "The Maltese Falcon" to begin a discussion of "noir" in film, but according to current law I would be a criminal if I ripped them from DVD. Strong protection for fair use is vital to our educational institutions. Punishing people who use small bits of copyrighted works is just silly- they are giving free publicity to that content. Real pirates don't care at all. Go to a streetside market in Tijuana or Shanghai and you will see a plethora of pirated CD and DVD titles.

Please support both balance and transparency in the way our country deals with copyright. Large corporations may claim either extravagant profits or losses from current legislation, but they are dependent on the productivity of individual people. Copyright law that makes it difficult for the individual producer will eventually stifle the creative process. Please support the citizen in copyright law, and not the corporation.

Thank you,
Michael Poole