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**Sent:** Tuesday, March 16, 2010 8:49 AM  
**To:** FN-OMB-IntellectualProperty  
**Subject:** Comments on the Joint Strategic Plan

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

Dear Ms. Espinel:

If access to intellectual property is to be regulated, it should be done with the interests of the citizens of the United States foremost, not the interests of the media distribution companies. Enforcement must work in both directions: it is unfair to improperly use another person's work, but it is also unfair to deny all access without defense or swift legal recourse.

The Joint Strategic Plan should carefully examine the basis for claims of losses due to infringement; it is far too easy to create numbers with no real factual basis, and use them as a demand for regulation that only serves one side, with no consequences for false claims of infringement.

In a society where digital access to government is being promoted as a means of both empowerment and cost-cutting, it is dangerous to allow a company's accusation, merely the accusation without proof of damage or opportunity for rebuttal, to cause total disconnection from the digital world. The damages to citizens would far outweigh the damages to the corporation. And the corporation making the accusation must be made to pay appropriate damages if and when an accusation is proven false.

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. Our right of privacy should not be overridden in the interest of a corporation's auditors. 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. ACTA and the Joint Strategic Plan would have immediate and stifling effects on America's ability to communicate, coordinate, educate, and govern. The debate must be as public as the effect would be.

Sincerely,

John F. Reynolds  
Concord CA