

[REDACTED]

Sent: Tuesday, March 16, 2010 12:26 PM
To: FN-OMB-IntellectualProperty
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:

It is essential in contemplating copyright enforcement to remember the intended purpose of the institution of copyright. The Copyright, as I'm sure you know was intended to foster creativity and innovation by allowing a creator to benefit from his or her creation. The current industry practice (too often abetted by the government) of over-protecting copyrights and extending them decades past a creator's death tramples the notion of fair use and stifles innovation.

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. One need look no further than YouTube for examples of individuals and organizations mis-using of copyright claims to silence critics - one complaint gets a video withdrawn and subjects the user to an onerous process of self-justification. 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. Indeed, 80% of respondents in a recent BBC poll of 26 nations believed that internet access is a human right. Requiring Internet service providers to violate users' privacy in the name of copyright enforcement is not only beyond the scope of the law, but is frankly un-American, and would have a devastating chilling effect on internet communication. The Joint Strategic Plan should serve the interests of the country and citizens as a whole. 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,
John Robie

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