

**From:** [REDACTED]  
**To:** [FN-OMB-IntellectualProperty](#)  
**Subject:** copyright thoughts  
**Date:** Sunday, March 07, 2010 7:15:40 PM

---

Sirs -

May I please add my two cents worth to the discussion.

While copyright remains the backbone of our business... as someone who writes for a living and has done so for the past 50 years... the law as currently applied falls short when it comes to protecting all of the intellectual property that goes into creating a copyrighted work.

Missing from the law is the concept that had once been there and has since been removed --- "sweat of the brow."

On more than one occasion, I have had my work mostly-retyped by others, who then claim it as their own. It's very common practice among the "cutters and paste-ers" in today online world. Witness the recent plagiarism scandal at the New York Times.

The use of other's work in this way has reached pandemic proportions on American campuses, where it has put original academic thought in serious danger.

I personally have been a victim of out-and-out plagiarism on two occasions. In one blatant case, which became famous 10 years ago in the Netherlands, my book *The Laundrymen* was, literally, scanned by a Dutch thief and resold under his name.

But the more common practice is to find my reporting and quotes that I have gathered, used freely by someone else in work that they then copyright. These are people who feel entitled to take the work I've created and reshape it as their own. They don't see it as stealing. They see it as a shortcut around original research. But it is theft.

By putting "sweat of the brow" back into US Copyright Law, you would be protecting one of the vital ingredients in the creation of intellectual property, and that is the thought process and work manifested by the thought process, which forms it.

If, for example, Writer A discovered, through his own initiative, his own thought process and his own "shoe leather," that the moon is indeed made of green cheese, then Writer B would either have to report on Writer A's discovery --- acknowledging his intellectual property in its entirety --- or do his own research, independent of what Writer A published, to create his own story. Writer B would not be permitted simply to write his own version of Writer A's work.

The argument in favor of a "sweat of the brow" claim is that there can be no intellectual property without intellectual work. And there should be no difference between the work that went into creating the book, story, film, article, whatever, and the precise wording used to represent that work.

You cannot have one without the other and therefore, both should be equally protected.

You would be doing a great service to the entire community of intellectual property holders by returning "sweat of the brow" back into law.

Yours, Jeffrey Robinson

[www.jeffreyrobinson.com](http://www.jeffreyrobinson.com)