

**From:** [REDACTED]  
**To:** [FN-OMB-IntellectualProperty](#)  
**Subject:** I am Stephen Roth and would like to express my opinion.  
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Comments: Downloading full music tracks from the internet is not like stealing a handbag. Stealing a handbag takes personal money and information (contained on various cards) from another person. Downloading full music and movies is not a method of taking personal money, or information forcefully. \"Piracy\" is merely a name, and not a good definition of the activity of downloading music and movies from the internet.

Downloading full music tracks from the internet is like getting a sample taste before supporting the artist with money in the hopes that they create more music. If the artist has not created suitable music, the pirate tends to delete it from their computer. If another album from the same artist is released, the pirate may sample that one as well. If it's suitable, and the pirate will listen to it again and again, then they will probably support the artist with whatever money that they want to use for the cause. They can buy individual tracks from iTunes for 99 cents, or they can go to a concert, buy merchandise, etc.

Speaking of merchandise, current intellectual property rights enforcement, which ensures that the right to make and sell merchandise concerning an original creator/creation can only be licensed out by the the copyright holder, is absurd. That is an infringement upon free speech, especially when particular phrases are copy protected. And it is an infringement upon our right to the pursuit of happiness when we can't use copyrighted works when we have to receive a license, that typically costs a lot of money, at the discretion of a single person, group, or corporation (which can be defined as not only the restriction of free speech in general, but also the restriction of free speech by a particular entity; like the illegal activity of gagging an individual, such as an independent singer).

License fees, and royalties, ought to be capped, and everyone ought to have the right to a license (for the creation and sale of derivative works) if they agree to pay these limited royalties for it. This will allow people to pursue happiness, and take great works of creativity like Harry Potter, Warcraft, Warhammer 40000\*, etc, and make their own great works of creativity that derive from them.

\*Warhammer 40000 is a tabletop game wherein you must buy game pieces, such as figurines of space marines, Orks, Tyranids, etc, which has an enthusiastic following, and a deep lore for its own virtual universe, and which has a high price before being able to play. The price is restrictive, and it reduces the number of Warhammer 40000's fans. There are not enough manufacturers. In fact, the creator, Games Workshop, has only its own plants (or probably just a single plant) where they manufacture game pieces. No one can copy the likeness of a Warhammer 40000 Tyranid, for example, so now there are copycats of the game which are not very fun. This splits a very entertaining market into multiple games, one great and the others not so good, and it reduces the fanbase of tabletop games in general.

For instance, if people didn't enjoy the way that Warhammer 40000 Dawn of War, a video game, played out, then they should be able to create their own video game based on Warhammer 40000 which plays out the way that they, or the consumers, want it to. So instead of having to create a cheesy creative work to fill into the game to present the gameplay's design, the game development studio would be able to use Warhammer 40000's likeness, story, characters, environment, etc, for commercial purposes, in return for capped royalties or a simple license fee.

The law must protect the right to property, the right to buy creative works at market price, and the right to a license to create derivative works for commercial purposes even if it'll cost a limited amount for the license.

Just as not having intellectual property rights will reduce the quality and quantity of creative and intellectual works that are created, having expensive, and restrictive methods of gaining licenses, to copy-protected works, will reduce the quality and quantity of creative and intellectual derivations. There must be a fair balance between the two.

Movie theater revenues are up 30% globally since 2005. Online piracy is of course up since 2005, as either the content is getting poorer, the people are getting poorer, or there's just too much content to sample by paying for it. Judging from the increase in revenues, I think it's just that there's too much content to sample by buying it. However, a lot of money is being paid for creative works despite the online piracy. I think a lot of online piracy is also caused by the fact that most movie theaters, except first-showing theaters and IMAX, can be uncomfortable. People would rather have a portable version of a movie that they can play on their TV, or even iPod, than to sit in a crowded 50 cent movie theater. However, that doesn't mean that more people wouldn't enjoy first-showings, or movies from a theater that cares about the comfort of its customers. If movie theaters spent more on comfort, then they would receive more money. This does not mean that enforcement of o!

online piracy should be increased, because it doesn't have to be. Movie creators would be reimbursed more (as long as reimbursement was a percentage of box office sales). There is no such thing as online piracy, because piracy is defined as forceful theft of a personal possession or information. Creative works are commercial information, not personal information, and the original creator ought to be reimbursed for its production somehow, but not with any online intellectual property enforcement. Merely with more attendees to movie showings and music performances, and thus more royalties going to movie and music creators, are "creative workers" reimbursed for their service.

A person should be allowed to perform another artist's song, and make their own money from their performance with their own singing talent. Some royalties ought to be given to the artist who wrote the song. Allowing this would result in an overall improvement of the quality of life in the United States while ensuring original artists receive payment for their part in it.

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