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**To:**

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[FN-OMB-IntellectualProperty;](#)

**Subject:**

The Joint Strategic Plan

**Date:**

Monday, March 15, 2010 5:23:59 PM

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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: 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. 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. 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. 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. Sincerely, Kevin Schlag