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**Sent:** Monday, March 15, 2010 8:59 PM  
**To:** FN-OMB-IntellectualProperty  
**Subject:** Joint Strategic Plan

**Follow Up Flag:** Follow up  
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Re: Comments on the Joint Strategic Plan

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

Dear Ms. Espinel:

There should be a statutory limit to copyrights owned by non natural entities, such as corporations, not to exceed 32 years from original publication and registration with the Library of Congress. Any strategic plans for enforcement of intellectual property should require an affidavit signed by the human author(s) of said property and/or require a court to adjudicate the ownership when the claimed owner is a legal fiction. Said fictional entity should be required to deposit court costs to be forfeit to the court in the event the case is found to be without merit.

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.

Those claiming loss should be required to file a full accounting of their profit and loss with regard to the item in question including depreciation and charges made to reduce apparent income for tax purposes so that a realistic working value of the copyright may be determined. Such records should go back at least 7 years so it may be seen if the value has increased, decreased, or ceased to produce significant income.

Measures like cutting off Internet access in response to alleged copyright infringement will probably not withstand court test. They are very much like the complaints made by the colonists against the Crown that started the American Revolution.

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. Anyone making such requests should be held in contempt of the Constitution of the United States.

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. Fair use needs to be spelled out and any source not permitting fair use should have their claim to copyright suspended for not less than 5 years nor more than 10.

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,

Roy Trumbull