

**From:** [REDACTED]  
**To:** [FN-OMB-IntellectualProperty](#)  
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Hello,

I am a musician who has also worked in the industry for the last 6 years (at labels, distributors, in studios, etc).

I feel that the 3 strikes policy being considered is NOT the answer. Prohibition simply will not work and I'm very surprised that such a pragmatic administration (for whom I voted) would be considering it. There are numerous studies that show it will not work...France (if memory serves me), after instating such a policy, has seen an INCREASE in digital piracy since the policy took effect. The UK has seen an overall growth in the music business during the worst years of the economic crisis. Why are all of the areas of massive growth (legal mobile downloads for instance) being ignored or explained away in the face of all of the "the sky is falling" proclamations coming from the industry. Their track record of response to this has been appalling.

Simply put, the pace of technological progress will ALWAYS outpace any legislative attempts to stop it. Period. The government could put measure after measure into effect in attempts to prohibit illegal downloading, criminalizing and punishing countless people (mostly the young), but there will always, always be legions who will find their way around it almost instantly. Such is the nature of technology and the desire for free music. There is now a generation that grew up with free downloads...criminalizing them is the wrong answer. If the industry or any government was even remotely capable of putting an end to free downloading, why have they been so utterly ineffective at doing so after an entire *decade*? The answer is that they are not capable and never will be.

The other major aspect of this issue is the industry itself. Their response (as it always has been after new disruptive technologies undercut their existing business models) has been as expected. This is their "Home Taping is Killing the Music Industry" campaign writ large. They were wrong then and are wrong now. A business model becoming ineffective in the face of powerful new technology is NOT the same as an industry being killed. The onus is on them to adapt or die...it is not their place and they do not have the right to dictate how the environment will change. There are many, many new models that not only show incredible promise, but that are already delivering on that promise.

While this is yet another major disruptive technology for the music industry, this goes far beyond the simple format changes of the past (vinyl to tape, tape to cd, etc). This is the first time in history that the change has been so fundamental. There is no more physical product. This is a major sea change that has brought FAR more good than harm and has utterly changed music forever and rendered many old models and laws obsolete (whether the major labels care see it or not). The only harm has been brought through the failure to adapt to this in the interest of maintaining old business models.

Prohibition is impossible and criminalization is wrong. I say this as a musician first and foremost. Please, please do not take heed of the industry funded studies, which amount to nothing more than corporate propaganda, and do what is right for the future of music. This requires a complete abandoning of the status quo and not folding to the demands of those who have a vested interest in maintaining it to the detriment of the progress of music. They are wrong. We need radical evolution, not corporate short-sightedness.

Thank you.