

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: Re: Comments on the Joint Strategic Plan
Date: Tuesday, March 23, 2010 11:35:23 AM

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

Dear Ms. Espinel:

I strongly urge you to weigh the public benefit of fair use on US culture, instead of simply focusing on the costs to the U.S. economy resulting from copyright infringement. Otherwise you will only have a skewed picture and false assumptions about what is truly at stake. Focusing too heavily only on the economic effects of infringement without considering the cultural benefits of copying for fair use gives a skewed perspective of what is really happening.

New digital technologies and means of dissemination are causing the current crisis in interpretation of copyright law. This has happened before in history. Every time a new technology emerges that effects the distribution of intellectual property (i.e. the printing press, the copy machine, tapes, VCRs), there is a crisis and the law needs to adjust, not just to protect copyrights, but to allow cultural progress, which is the true intention of copyright law, is it not? To balance the rights of the copyright holder against the public good?

So I encourage you to be less concerned with enforcement of intellectual property rights and to be more concerned with maintaining a balance between individual/corporate rights and the public good. The public does suffer if fear of litigation stops artists from making art or stops citizens from responding to media in creative ways, as with our growing and vibrant remix culture.

Also, looking at the cost of infringement is not enough to see the whole picture. You should also be investigating the ways remix forms such as music mash-ups, fanvids, video mash-up trailers ADD to sales of media. I have personally purchased legally many songs that I first heard in a fanvid or in a mash-up. Also, I have purchased many DVD sets of TV shows after watching remix video and fanvids which make me curious about the source material. I am only one person, but this is much more common than big media companies think.

Another problem is the way the DMCA criminalizes behaviors that should not be illegal under copyright law, namely circumventing DRM for purposes that fall under fair use. Fair Use is not the same as piracy. The law should be amended to focus on what is done with the copy, not the fact that the copy exists.

It has become clear, after 12 years, that many parts of the DMCA DO NOT WORK and only STIFLE CREATIVE EXPRESSION. I encourage you to listen to what public advocacy organizations such as Public Knowledge, Electronic Frontier Foundation and The Center for Social Media at American University have been saying. These are the organizations that speak for me as an artist, a citizen, and as a voter.

Sincerely,
Stacia Yeapanis, Artist and Voter