

**From:** [REDACTED]  
**To:** [FN-OMB-IntellectualProperty](#)  
**Subject:** Re: Intellectual Property and Risks to the Public  
**Date:** Friday, February 26, 2010 6:14:24 AM

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I would also recommend reading works by [Lawrence Lessig](#) and some other similar authors.

[Jonathan Zittrain](#) The Future of the Internet--And How to Stop It  
[Yochai Benkler](#)  
[Neil Netanel](#) Copyright's Paradox and other works  
Cass R. Sunstein  
[James Boyle](#) writes about Public Domain  
[Kembrew McLeod](#)  
[Cory Doctorow](#)  
[William Patry](#)

(all of these links are to Amazon.com pages for the authors)

Titles

[Against Intellectual Monopoly](#)

- Brian Yurko

On Fri, Feb 26, 2010 at 5:19 AM, Brian Yurko <[REDACTED]> wrote:  
Hello Ms. Espinel,

Congratulations on your new position as the IPEC.

I do have a suggestion for you, in response to your request for comments about IP rights. It is my understanding that you are seeking to grasp the metrics of "costs and risks" as well as suggestions on how our government can help implement what is best for the nation.

This past Monday, I had the pleasure of attending a *Talk on Copyright* by Richard Stallman. It was held at our local University of Buffalo, as arranged by an engineering professionals group. I would imagine that you are already familiar with Mr. Stallman and what views he espouses. Considering that his talk was precisely on the history and role of copyright in the United States as well as upon some related topics such as past legislation and recommendations on future legislation reform, I would recommend that you consider setting aside some time to listen to his presentation.

This topic is very important to us as both professionals and as citizens. As a software developer and a computer services professional, I require access to a wide variety of applications and knowledge in my line of work. Knowing that software patents and licenses are applied properly helps me to select appropriate software in a legal manner that permits me to create goods that drive our economy locally.

From my perspective as a consultant to local businesses, we are the engine of high-tech productivity that has been referred to since the decline of the predominantly manufacturing times. The few Goliath corporations that squeeze and protect ideas that legal professionals determine to be coveted Intellectual Property always end up resulting in protectionist policies that hurt the workers. For example, weak ideas such as patenting a method for storing, transferring or listing some fairly common information might be the aim of a corporation that is trying to protect an industry that it has built. They will claim that this action benefits their shareholders, and (implicitly) rewards them for their research, but that is not the point of all software patents. As a exaggerated example: one company could patent a method of producing license plates, but that does not mean that the other 49 states should not be free to continue utilizing their own methods.

I don't want to lose your interest by editorializing too personally. Richard does focus primarily on copyright which he admits should not be confused with other areas of law, commonly referred to as Intellectual Property. I can say that he is very well read on this topic. While he has his own opinions, which I leave to your listening session to discover, he makes many good points which I also agree with.

First, the existing copyright laws are already too strict. Their duration is far too long. They do not benefit the actual content creators, but rather the companies who have wrangled legal control over the assets. They do not promote creativity and competition domestically. \* This is my rationale for requesting that

you realize that we need to protect the rights of the content creators, trade workers, and other producers of goods and services, as opposed to the stronger lobby and voice of the controlling companies. - If you get nothing more from my letter, this plea would be all I wish to have you hear. (Richard proposes some reforms that should appease content creators, possibly at the expense of middle-men companies. This should also benefit the citizens at large.)

Second, there are already very good methods of encouraging creativity and product creation that serve the public good. In the field of software the Free Software software licenses and a majority of the Open Source software licenses achieve these purposes. The domestic workforce is receiving wages from people that wish to have products created. The product is the deliverable, not the tools used to fabricate the product. Commercial only tool makers are fighting this software licensing model because they cannot compete on the basis of acquisition cost. What you might not yet have studied, is that software produced using this collaborative and open model has turned out to be superior in many cases than software developed in a closed door commercial shop. This fact will remain constant in the upcoming decades of computing. - If we try to protect the few commercial companies by banning collaborative and shared software development, we will quickly become the third-world in terms of computing technology. The rise of educated IT workers abroad in mostly every other nation will destroy our local industry if we apply too many protections domestically.

Here are two links to Mr. Stallman's presentation. They are shared by the Creative Commons license.  
<http://www.acm.buffalo.edu/stallman.html>  
<http://www.archive.org/details/RichardStallman2-22-10UniversityAtBuffalo>

The recordings can be played using the VideoLAN media player. Please excuse the truncation and poor quality of the recordings. Also please excuse the speaker for his personal quirks if you find them in such light.

I noticed this past Tuesday, a commercial corporation named Facebook managed to secure a US Patent for one of the most straightforward elements of time-based data display that must be a commonplace practice across dozens of websites. The fact that this patent was secured, might point to the weight that large corporations can and do pull.

<http://www.allfacebook.com/2010/02/facebook-feed-patent/>  
<http://patft.uspto.gov/netacgi/nph-Parser?Sect1=PTO2&Sect2=HITOFF&p=1&u=/netathtml/PTO/search-bool.html&r=1&f=G&l=50&co1=AND&d=PTXT&s1=Facebook.ASNM.&OS=AN/Facebook&RS=AN/Facebook>

Does this activity pass all established tests of prudent scrutiny? Again I doubt that concentrating too much power into too few hands will harm the IT workers in our nation rather than help us through upcoming ages.

Thank you for considering my comments and opinions.  
I hold high ideals for our future.

Brian Yurko  
Application Developer / Systems Engineer