

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: Intellectual Property Rights
Date: Monday, March 22, 2010 4:38:11 PM

Dear Ms. Espinel:

My name is Michael Barbiero. I am a record producer who has contributed to fifteen albums that have been nominated for Grammy Awards over a span of five decades, from my first album production for the Paramount motion picture, Serpico, in 1974 to this year's latest Best Cajun/Zydeco Album, by Buckwheat Zydeco, for which I co-wrote the title song, "Lay Your Burden Down." I've spent a lifetime producing, arranging, engineering, mixing and writing for albums like Metallica, Guns 'n Roses, The Allman Brothers and many more with the thought in mind that, by accruing 1% to 4% royalty checks on many hit recordings, I would be able to take care of my wife and myself in retirement and not be a burden on my children. For many years my plan seemed sound. Then came a wave of internet piracy and file sharing companies like Napster, which ravaged my royalty base by about sixty five percent. Thanks to A&M Records' lawsuit and the judgment against Napster by the Ninth Circuit court of Appeals in 2001, centralized file sharing is no longer much of a threat, though it is practiced by tens of thousands, if not hundreds of thousands of individuals daily without much legal intervention. Apple's iTunes and other media channels have established some legal means by which the public can purchase music via internet, and that has, somewhat, restored royalty bases for creators like myself who were ravaged in the late nineties. We all are enriched by technology and the ease it provides for us to acquire information and communicate, but we will create a future public that has no respect for property if we don't enforce our laws. It seems to me that many believe sincerely that the concept of paying a royalty is an outrage and that any information that can be digitized should be free. Books, music, film, photography, all of this is fair game. Personally I think open source sharing is a noble concept, but impractical in much the same way as Nicolai Tesla's concept for free electricity was impractical. We live in a capitalistic system and if a profit cannot be made from an idea, most people will do something for which they can profit. So we have laws that protect intellectual property. But, it's not enough to place a warning on a film or a recording saying that copying it is a crime if no one enforces the law when it is broken. We've all seen information sent via email that is protected, but we look the other way. Many indulge in copying to some degree and don't think about the consequence to those who have worked hard for years to create what they are taking for granted. I was raised to return a lost wallet if I found it on the street, regardless of whether it was loaded with cash or empty. But more and more I find that the internet provides us with a means to take what we want and not pay just because we can. I would like the government to take a more active international role in policing the theft of intellectual property via internet.

Yours truly,

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