

From: [REDACTED]
To: FN-OMB-IntellectualProperty
Cc: info@copyrightalliance.org
Subject: PRO-IP Act of 2008 and Intellectual Property.
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To: Ms. Espinel and the Obama Administration

The Copyright Alliance has informed me of this welcome invitation from the Obama Administration to share my thoughts on my rights as a creator.

As a musician and part owner of a record store, I have experienced first hand the detrimental effects of copied media and illegal downloads of music.

I have produced and offer for sale several products in CD format that are the result of hours of writing and production, only to find the material on a "blogspot" for free download because somebody copied the disc and uploaded it, thinking that they were "preserving" the music. This is clearly a copyright violation, and does nothing to further an artist's career. If any work is to be "preserved", let us decide who will do that, and in what format. If material is to be available for free, then the artist (or he who holds the copyright) will decide. If material is to be streamed online with no physical product available, or if music is allowed to go out of print, then it's up to the artist to make that choice.

In my case, older material which has been prepared for re-release has been made available for free download by uploading of the original source material to a blog, virtually killing the chance to even recoup the expenses incurred in producing and releasing any kind of product, physical or otherwise. This kind of activity had halted several projects, as there are fans who prefer physical product over a download, even a legal one, and though I could offer legal downloads, who would pay for something if it's offered for free? A precious few, dedicated friends and fans, but not enough to warrant an expense.

Where is the incentive to continue to spend time and money on delivering music if I have to lose because others can't understand that "free" downloads aren't really "free"? Somebody had to pay in time and money to record, master, set up artwork, maintain a website, ship products...and write the music in the first place! The internet offers a chance to deal directly with supporters and fans, however, this chance is destroyed by the illegal appearance of our music.

Among the most offensive sites are Sendspace and Blogspot, but the most offensive thing is the people who happily upload the music of another, followed by those who happily download for free mega-upon-mega byte of illegally uploaded material. I wouldn't think of taking my roommate's car for a ride and then leaving it in another garage for storage, and I don't think this should be happening with music.

As a record store buyer, I can tell you that time and time again we hear, and it amazes me that people have the nerve to say this to me

while in a store, "I heard that CD. I downloaded it from X blog."
This kind of abuse is rampant, and has been a factor in upsetting an entire industry. We have a enough trouble with our own economy, let alone dealing with clear theft of the products we sell. Local bands complain of being unable to sell music because of the appearance on upload sites. Clearly, this situation has tipped in favor of illegal behavior and against the artists.

The tobacco industry would not tolerate this. The dairy industry would not tolerate this. No industry would tolerate theft of its product and free distribution of such. But apparently in the music industry, we have to. "It's just what people do" or "There's no way to stop it" or "Nobody wants CDs or records anymore" are comments I hear almost daily. There are ways to stop this, and there are plenty of people who will support music by buying from an artist's site or a legitimate download/streaming site or record shop. Movies can be encoded to prevent copy. So can music. Artists and labels can be proactive about where their products go. Identification and verification can be required to upload music, just like you have provide to register with Amazon, Paypal or any other commerce site. IP addresses can be tracked and banned if illegal content can be traced. In short, there are ways to limit the theft of music and leave the disposition of our art to us.

I appreciate your time in this, and am very happy to hear that some initiative is being taken in this area.

Vince Curtis
Guitarist/songwriter
Half Life, Real Enemy, The Burning Path