

[REDACTED]

From: [REDACTED] AM
To: FN-OMB-IntellectualProperty
Subject: ACTA and the Joint Strategic Plan

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Re: Comments on the Joint Strategic Plan

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

Dear Ms. Espinel:

Please note: While the text below is boilerplated, it expresses *exactly* what I feel, and says it far better than I could have on my own. Thank heaven for talented wordsmiths! I endorse and agree with the commentary, thus claiming it as my own. I have emphasized the salient points.

"Any strategic plans for enforcement of intellectual property should measure all of the costs and benefits involved. Enforcement has its own costs to citizens and consumers, especially when legal uses of copyrighted works can be mistaken for infringement.

The Joint Strategic Plan should carefully examine the basis for claims of losses due to infringement, and measure credible accounts of those losses against all of the consequences of proposed enforcement measures, good and bad.

Measures like cutting off Internet access in response to alleged copyright infringement can do more harm than good. Internet connections are not merely entertainment or luxuries; they provide vital communication links, often including basic phone service. This is even more clearly unfair in cases where users are falsely or mistakenly accused.

Internet service providers should not be required or asked to violate users' privacy in the name of copyright enforcement beyond the scope of the law. **Efforts to require or recommend that ISPs inspect users' communications should not be part of the Joint Strategic Plan.**

The anti-circumvention provisions of the Digital Millennium Copyright Act can criminalize users who are simply trying to make legal uses of the media they have bought. Breaking digital locks on media should not be a crime unless they are being broken for illegal purposes. The government should not spend its resources targeting circumventions for legitimate purposes.

Any plans or agreements on IP enforcement, like the proposed Anti Counterfeiting Trade Agreement (ACTA) should be made open and transparent. In dealing with questions of copyright and the Internet, too much is at stake for our country's laws and policies to be made out of the public eye."

From the comments of a good friend of mine, "In a society where digital access to government is being

promoted as a means of both empowerment and cost-cutting, **it is dangerous to allow a company's accusation, merely the accusation without proof of damage or opportunity for rebuttal, to cause total disconnection from the digital world.** The damages to citizens would far outweigh the damages to the corporation. And the corporation making the accusation must be made to pay appropriate damages if and when an accusation is proven false."

Respectfully submitted,

Christopher C. DeSantis

"The greatest insanity is surely to see the world only as it is, and not as it might be."

-Miguel de Cervantes