

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: Re: comments on the Joint Strategic Plan
Date: Tuesday, March 23, 2010 5:57:52 PM

Victoria Espinel

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

Dear Ms. Espinel:

As an employee of company that both creates content and distributes content on behalf of creators, I think it is important that any plans regarding enforcement of intellectual property take into account the realities of the Internet. The way that enforcement happens today, it is impossible for content creators to scale their anti-piracy efforts to deal with the size of the problem. They must seek out all infringements across the net, then issue DMCA notices. Many companies, including some of the largest corporations on the planet, take steps to make this difficult, such as by limiting how often and where content creators can search for infringements. Others simply ignore the notices. Even when a site responds to a notice, they usually make no effort to prevent the same content from being immediately re-uploaded.

The result is that content creators are forced to constantly scan and rescan huge swaths of the web, essentially pitting them in a battle with the rest of the Internet. We are guaranteed to lose.

Simple steps can be taken to improve the situation, such as requiring sites to maintain a list of content previously DMCA noticed (so it is blocked from re-upload) and using technical measures such as fingerprinting or metadata scans to filter out infringing content when content owners make the filtering data available. Sites should be prohibited from rate-limiting notices or impeding the search for infringing content. The government needs to pitch in and help pursue infringers. It should also work with the investment community; today, it is still a viable business model to seek venture capital on the basis of infringing copyrights to build up a user base. Finally, the Internet knows no boundaries, so there must be international cooperation.

Now that nearly every type of manufacturing is cheaper to do overseas than in the US, it is critical to protect the one type of production that can't be outsourced: American ingenuity. Our movies, books, music, TV shows, games, designs, and other types of copyrighted content are consumed world wide. Millions of jobs depend on them. Yet content creators face an impossible task when attempting to protect their copyrights. The government needs to decide how important it is to protect these industries and jobs and take the appropriate steps.

Sincerely,

Chris Horton