

[REDACTED]

Sent: Monday, March 15, 2010 6:57 PM
To: FN-OMB-IntellectualProperty
Subject: Comments on 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:

I hope you, or someone, does read my comments.

First let me say that I have worked as a consultant in the media and entertainment industry for over ten years, am an amateur musician, published writer, high-achiever (three degrees: science, law, business), and pay, filing jointly with my wife - who also works in the entertainment space, approximately \$150,000 annually in federal and state (CA) taxes. I work hard every day for the media companies and am simply floored that our nation continues to extend the copyright entitlement to these companies.

The copyright term is wrong. We are rewarding these companies and, yes, the artists and their heirs, for NOT innovating. It is fundamentally promoting the wrong behavior. I agree wholeheartedly with a limited term of copyright, such as the short span our founders originally prescribed, in order to reward the artist, or his assignee, as a form of salary or compensation - after all everyone needs to eat. But the present extensions to copyright serve only to impose a tax on our culture and society accruing to the benefit of companies and descendants who feed off the elderly work of long unproductive, or dead, artists. We are creating perpetuities accruing to persons other than those who originally created the works.

The media and entertainment industry has created an abusive power structure based on legal machinations that serves to disenfranchise the consumers of our culture. The 'fair use' exception is routinely trampled on by the M&E industry and their army of lawyers who simply outspend everyday folk into submission. This same cabal pays exorbitant sums influencing politicians. Where does all the money fight this war come from? From the consumers of our popular culture - big media companies use our own money against us to prevent the fair use of the very culture that we have paid them by popularizing it. Remix, reuse and repeat - these are the bywords of the modern digital age. Sadly, big M&E is so fearful of having to create compelling new content - do actual WORK - that they focus on extorting rents from properties which should be subject to fair use or, for those older than a generation, be in the public domain. Let's have some real scientific studies, independently funded, to quantify the actual harm (or maybe benefit) from the activities that ACTA proposes to regulate. It is not well-settled that there is, on balance, economic - or other - harm.

ACTA - based on the leaked documents - is a draconian instrument of the media and entertainment industry to extract yet more from the people in return for nothing. I am dissatisfied that my own government is using my tax dollars to help them do this - in secret yet! These discussions must be open, transparent, and consultative - not behind closed doors led by the lawyers for the very industry that is pushing the 'solution'. Cutting off internet access is a ridiculously bludgeon of a penalty in our day and age - the consequences are disproportionate and, I submit, unrelated to the the harm. If M&E can prove their cases for infringement then they can use the existing remedies available to them at law - they don't

need more weapons they can use to intimidate the individual. Moreover, it should not be the job of ISPs to spy on or police their subscribers and more than it should be the job of the phone company or postal service to monitor communications that occur over their infrastructure and report people who infringe copyright using those vectors. Direction to require or recommend that ISPs inspect users' communications should not be part of the Joint Strategic Plan because it is wrong to give ISPs the obligation, or even the right, to inspect users' traffic - this is a gross invasion of privacy.

President Obama - this is wrong and it must stop. Do not be complicit in the hollowing out of American creativity and the criminalization of the use of popular culture. Read Lawrence Lessig's work and listen to his advice - I find him to be the sagest, most balanced commentator in this area.

Sincerely,
/mjp

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