

To:

[FN-OMB-IntellectualProperty](#)

Subject:

Comments on the Joint Strategic Plan

Date:

Monday, March 15, 2010 8:41:32 PM

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: 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. In other words, the corporations whine too much and shouldn't expect to be heard more than everyday citizens. Measures like cutting off Internet access in response to alleged copyright infringement can do more harm than good and most Americans oppose them. 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. Education should be the key to changing consumer behavior, not punishment. 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. Inspection of users' communications will clearly be challenged in law if initiated. Plus, it's just plain anti-American to read my or anyone else's email or mail. 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. The government should get out of the business of reinforcing old, tired business models that don't work any more. 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.

Sincerely,

David Charles Poteet