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To:

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[FN-OMB-IntellectualProperty;](#)

Subject:

The Joint Strategic Plan

Date:

Monday, March 15, 2010 5:23:59 PM

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. 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. Sincerely, Kevin Schlag