

**From:**  
**To:** [FN-OMB-IntellectualProperty](#)  
**Cc:** [REDACTED]  
**Date:** Wednesday, March 24, 2010 12:37:20 PM  
**Attachments:** [logo.jpg](#)  
[ATT167213.txt](#)

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Dear Ms. Espinel,

The Copyright Alliance has informed me of this welcome invitation from the Obama Administration to share my thoughts on my rights as a creator.

I am a full-time music professional and artist, creating music and soundtracks for TV, advertising, film and records. I make a fair living doing this, and have been for the last 10 years. Being only in my early thirties, I am extremely concerned that in the long-term, I will not be able to continue to put my unique talents and skills to professional use, as the basis upon which I make a living--i.e. the exploitation of intellectual property--is slowly but surely eroding. The music industry has shrunk by more than half over the last decade, mostly due to the fact that illegal filesharing and free access to our work has become the norm, rather than the exception. And nobody is stopping this. We are now raising an entire generation that is getting used to not paying for something that, by law, they have to pay for. We are raising an entire generation of criminals--and just because so many are infringing, does not somehow lessen the crime.

My rights are violated every day, and it makes me angry and sad, since all of the time and effort I put into my work gets disrespected. To make an example, if one does an internet search for any of my public works that are available for sale, the first results that come up are usually illegal file sharing sites and torrents, rather than legal download sites. Net neutrality, of course, shows that which is most popular, first. All data is treated the same. But it shouldn't. One way to effectively curb illegal sharing is by not making sites that host or share illegal files available on internet searches. Making those sites come up in searches is analogous to somebody making publicly available the code to some bank vault, where to shut off the security cameras and the alarm, and at what time it is best to steal from that bank vault. Obviously, the enabler is not in and of itself doing the crime, but is certainly facilitating.

I would like to give you a few more concrete examples of how infringement has affected my work as a creator. Infringement primarily affects the part of my business that is related to record production. I have over 20 underground dance records released. Infringement affects all niches of the music industry. While it was standard for an underground artist to get a record advance of \$1500 ten years ago, now most of the time you don't even get an advance anymore. Remix fees have halved in the last 5 years. Obviously, the amount a record company can pay an artist is proportional to how many records they can sell. To give you some hard numbers on that as well, about 4-5 years ago, my releases were still selling 2000-5000 units (physical and digital), now it's down to under 1000--but I actually have a much more recognizable artist name in the scene now than I did 4 years ago, which would mean I should actually be selling

more, not less, units. Meanwhile, my tracks get downloaded tens of thousands of times illegally, have been streamed illegally over half a million times, and I don't see any income from this.

Obviously, people actually DO pay for content by ways of distribution. People pay upwards of \$40-\$60 a month to have internet access. None of this money goes to us creators. Perhaps some sort of pool could be set up, similar to ASCAP, where every distributor of internet content has to pay into, and where every download, stream and copy gets registered, and the money distributed accordingly. This is what happened to radio and has worked quite well. Another option would be to revisit the DMCA to make online service providers liable for its subscribers' infringements. I think the effectiveness of such a law would be complete, immediate and swift, as the facilitators of infringement would also be made responsible. I also like what France is doing--cutting off internet service completely after 3 strikes, although the effectiveness of that remains to be seen.

Re-education of this generation that feels entitled to steal intellectual property is necessary as well. It is not a right. And no, our industry does not need to find new business models--that would justify the infingers. People will always steal, but if there are enough deterrents in the way, most people won't. If they can get away with it, everyone will do it. Currently there are no deterrents set up at all.

I have over 30 years left in my career, and if the government does not step in and cracks down, everything I have learned and the experiences I have gained over the last 10 years may become useless, as I may be forced to find some other line of work eventually. What makes America so great is precisely the creative spirit, ideas, and the assurance that one can monetize such ideas. It is the backbone of our economy and the key to global economic competition. And this does not just affect music, it affects film, video games, software, patents, etc. All these industries may collapse eventually if nothing is done.

Thank you for your time,

-Georg Bissen

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