

**From:** [REDACTED]  
**To:** [FN-OMB-IntellectualProperty](#)  
**Subject:** Comments on the Joint Strategic Plan  
**Date:** Tuesday, March 23, 2010 5:38:18 PM

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Re: Comments on the Joint Strategic Plan (ACTA)

Victoria Espinel  
IP Enforcement Coordinator  
OMB  
Executive Office of the President  
Filed via email

Dear Ms. Espinel:

I am increasingly alarmed at the recent trend towards copyright and IP-maximalism where industry lobbyists not only unduly influence our representatives but inflict collateral damage by their very approach (exaggerate, obfuscate, lie, repeat ad nauseum).

Enforcement has its own costs to citizens and consumers, especially when legal uses of copyrighted works can be mistaken for infringement and the 'default' is guilty, with insane penalties, unless the accused has enough resources to fight back. Even then, the reckless accusers (and I do not use the term loosely – see the RIAA) simply discontinue that case and pursue others.

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 short, follow the laws and rules that are already in place – this is nothing more than an end-around on our rights as citizens and on two centuries of prior law.

Measures like cutting off Internet access in response to alleged copyright infringement will 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. Can you think of even a single example where such a system has a workable appeal process?

The proposed system will be misused (see the current DMCA takedown bloodbath as an example) and history shows any 'appeal process' would not be worth the paper it's written on. Is there any penalty for false accusations? No. Is there any redress for being falsely accused, kicked off the internet, losing your job or income? Possibly a costly legal fight but by then the damage will have been done. To what end? To protect an outdated and corrupt business model.

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 as it circumvents existing law and will stifle innovation and progress, again, just so slow-moving dinosaur industries can gouge some more money out of consumers.

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.

The entire ACTA negotiations to date have been shady with no public input, false or misleading information being taken as fact and the interests of some fatcats being put above those of the citizens who you should be representing.

Sincerely,

James Bolen