

From:
To: [FN-OMB-IntellectualProperty](#)
Subject: Comments on the Joint Strategic Plan
Date: Monday, March 22, 2010 4:14:26 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 avoid the well-known extreme penalties suffered by some well-meaning people who didn't even copy for personal enrichment.

Measures like cutting off Internet access in response to alleged copyright infringement can do more harm than good. Internet connections often provide vital communication links. This is especially 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.

Any agreements on IP enforcement, such as the proposed Anti Counterfeiting Trade Agreement (ACTA), should be made open and transparent.

I am particularly concerned that researchers and musicians are restricted in their use of older recordings, because the copyright laws in the United States treat most sound recordings differently from all other intellectual property. Apparently, there are currently no public domain sound recordings under U.S. law, so that the oldest US recordings can be legally reissued in France, but not here. Furthermore, recordings made between the 1890s and 1972 will not enter the public domain until 2067, which is totally ridiculous. The United States is the only country in the world with such extensive restrictions on sound recordings.

U.S. laws place considerable restrictions on preservation and fair use, which constrains us librarians, who are often asked for advice, and who often wish to preserve older materials of all kinds.

Sincerely,
Jean Dickson, Associate Librarian and member of the Society for American Music