From: [redacted]
To: FN-OMB-IntellectualProperty
Subject: US Intellectual Property regime
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In reading recent news, I've discovered that we now have a new Internet and IP "Czar," Victoria Espinel. According to news accounts, the status of the American IP regime is under her purview. As someone who not only teaches and researches about intellectual property as well as one who reuses considerable copyrighted content as part of my teaching, I beg you not to extend the scope and reach of copyright law any further than it already is. We're stuck with CTEA and its indefensibly long temporal terms, and any further extension in either scope or temporal reach would be a big mistake. CTEA has assured that we will now face a long period in which 20th-century materials will not enter the public domain (including much of the poetry of my great-grandfather, Robert Frost—material that by all rights should be in the public domain by now), and I do worry that such a restriction of the public domain will only impoverish American culture.

I worry in particular about the status of what we might consider "classic" material--from Frost poetry to the song, "Happy Birthday"--remaining under copyright. The public has created the enduring value of that type of IP asset, and it is to the public, I believe, that the rights should belong. Yes, that would mean a drop in royalty income for heirs, but let's face it: I didn't write that poetry and I see no legitimate reason why the public should be charged to have access to it.

It is clear as well that major corporations are using copyright law less to protect the integrity of those materials and more to protect increasingly obsolete business models. For example, when the music industry was faced with the need to shift its business models to embrace digital distribution, it decided to sue "pirates" rather than working to develop a model in which consumers of music would buy the digital product at a reasonable price rather than pirate that material. As you probably know, Silvio Berlesconi and his Italian media trust have used privacy laws to defend the incumbent broadcast industry (of which Berlesconi is the primary owner) against competing Internet-based services. That strategy is transparently anti-consumer, just as the use of IP law by American media corporations is similarly anti-consumer.

The task that is before the US government now is to develop a proper balance between the needs of the culture at large for access to new creations and innovations (the original purpose of copyright law in the Constitution) and the rights of IP asset holders. For far to long the scales have had the heavy thumb of the media corporations on the scale and it's about time that a better balance be established.

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How many infections does your computer have?
virus, virii, viriii, viriv, virv, virvi, virvii… (there's no zero).