

From: [REDACTED]
Sent: Tuesday, March 16, 2010 1:46 AM
To: FN-OMB-IntellectualProperty
Subject: Comments on the Joint Strategic Plan

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Re: Comments on the Joint Strategic Plan

Victoria Espinel
Intellectual Property Enforcement Coordinator Office of Management and Budget Executive
Office of the President Filed via email

Dear Ms. Espinel:

How the US handles issues of IP infringement is extremely important for the intellectual future of the US. I am a writer and Internet user, and completely support efforts by the EFF and other organizations who would protect individual users from draconian punishment in these matters.

Who of us with an interest in culture and art has not copied music and text for our own enjoyment and that of our friends? This kind of action supports and nourishes creativity. I have no sympathy with copyright pirates, but it is extraordinarily counterproductive to demonize the personal infringer.

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.

Thank you for your attention. It is important to the creative development of families and children, to their education, and to their future financial well-being, that they not be cut off from the Internet. It would be cultural suicide to treat this matter the way the entertainment industry wants it treated.

Sincerely,

Eileen Gunn

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