

From: [REDACTED]
Sent: Monday, March 15, 2010 6:11 PM
To: FN-OMB-IntellectualProperty
Subject: Re: Comments on the Joint Strategic Plan

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

Dear Ms. Espinel:

I am a concerned citizen who, being employed (and self-employed) as a software developer, has carefully watched the development of intellectual property issues over the last decade. I am very concerned about measures such as the ACTA and the manner in which they will be enforced.

The protection of intellectual property in a progressively information-based economy is critical. It is doubly so as nefarious groups increasingly use 'cyber attacks' against our infrastructure and economy. However, I see many flaws in the existing and proposed approaches to enforcement, but I will limit my comments to two areas.

Many existing and proposed enforcement measures do not seem in keeping with basic fairness, i.e. 'the punishment fits the crime.' We've all read about people who, having downloaded and perhaps shared a few dozen songs, have been hit with civil penalties in the tens or hundreds of thousands of dollars. The damages described, for the purpose of both civil and criminal law, are largely a matter of conjecture and philosophy. The potential for individuals to receive unfair punishment or penalty is bad enough, but the overall appearance is that American justice meted out quite differently, depending on the purse of the victim / plaintiff. What consequences will this have on future generations?

These enforcement measures often seem to put the burden on the accused, as in the case of terminating internet connections upon accusation, and the like. While the harm to the individual in these cases may not be enormous, the potential collective harm is great when one recognized the incredible utility and importance of the internet as a device for communication, reporting and indeed liberation. Witness what happened during the recent Iranian protests, and the power of Youtube, Facebook and the like to quickly bring light and global criticism to the actions of tyrants. What effect will it have if such tyrants, be they sovereign or corporate, can silence individuals with an accusation? This is already happening in the U.S. There have been many recent cases of large corporations issuing legal 'take down' notices against blogs, forums and other web sites who dare criticize them. Other kinds of speech are also being silenced. Please do not create a ready tool with which to silence speech.

Sincerely,

Brian Hartin