

**From:** [REDACTED]  
**To:** [FN-OMB-IntellectualProperty](#)  
**Subject:** Re: Comments on the Joint Strategic Plan  
**Date:** Tuesday, March 16, 2010 11:14:30 PM

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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:

The US Constitution permits copyright not as a natural right of authors or inventors, but an artificial concession made to them for the sake of progress. We the people give up some of our public good in an attempt to promote creativity.

I see no reason for the Federal government to enforce copyright other than to protect citizens from harm. Fraudulent drugs can kill. My daughter giving me a copy of a song can only help the artist.

Any strategic plan 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.

I don't think the Joint Strategic Plan should pay any attention to claims of losses due to infringement except where the infringer has made a substantial profit from true infringement or brought harm or potential harm to a citizen.

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.

If you must make plans or agreements on IP enforcement, like the proposed Anti Counterfeiting Trade Agreement (ACTA), they 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.

Sincerely,

Hanson Kappelman