

From: [REDACTED]
To: [FN-OMB-IntellectualProperty;](#)
Subject: Re: Comments on the Joint Strategic Plan
Date: Monday, March 15, 2010 4:43:09 PM

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: 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. Failure to take this into account can result in a massive
chilling effect on free speech on the internet. Cutting off Internet
access should require nothing less than full due process. 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. Sincerely, Dan Kaufman