

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Cc: [REDACTED]
Subject: Copyright Enforcement
Date: Thursday, March 18, 2010 5:14:31 PM

Dear Ms. Espinel,

The Copyright Alliance has informed me of this welcome invitation from Our Elected Administration to share my thoughts on my rights as a creator.

Thanks for inviting my comment.

I believe that everyone has something to contribute. Every time that contribution of creation is in some way impeded, we all suffer a loss.

It does not matter if we like, or even can appreciate, others' contributions as creators, we gain in immensurable ways from being exposed to the broadest range of creative work possible.

In industry, the protection of trade secrets and patents encourage new discovery and invention. The resulting new technologies, hard or soft, increase our capacity to learn, thrive and grow. Protection for music, writing, images, and other intellectual property has the same effect in encouraging productivity and growth.

That growth can take many forms, economic, spiritual, physical, or emotional. That growth often cannot be measured or assigned a hard ROI, but it is important and lasting. I would argue that areas of growth with no readily identifiable monetary value are more foundational to a healthy society than those measured primarily by their contribution to the bottom line.

What value would you assign to the lasting joy and learning from a story by Dr. Suess, or a song written and sung by Paul Simon, a photograph by Ansel Adams, a painting by Andrew Wyeth, or a book by John Steinbeck?

What if these artists had started today, put their first works on the internet, and were robbed of their ability to be paid, to receive recognition and decided to just give up?

Can you imagine the impact on our wonderful lives if the work of these and other creators suddenly disappeared?

I am a writer. I create songs, stories, essays, and poems.

I want to share these, and should be able to know that when I share, I will have the ability to continue to share in the future.

Finding a pirated CD of my work, for sale on the internet, for a fraction of its retail value, a few weeks after its release, or hearing one of my songs coming from an MP3 player, after being downloaded and shared broadly, has a couple of effects.

It is flattering! I know there is a demand and that I am contributing. And then,

It is defeating. I can't recoup the time, money, effort, energy, and creativity I spent in creating that work.

I have choices:

I can quit. (Most of us who create find this to be an impossible option).
I can create and keep it to myself. (What if Walt Whitman had taken this course)?
I can continue to "put it out there" and watch as others steal it or profit from my work. (While this is altruistic, it also steals my energy, puts a lid on my creative output and on the resources I can devote to creation. Worry, negative thoughts, and victimization don't play well with creativity).

None of these options are beneficial to anyone.

The creative community must have stronger protection for its work in order to "stay in business". More available work equals more available possibility for everyone.

What miracles will be inspired? What joy, love and respect will be created? What answers could be suggested?

We'll never know, but we do know that it will be far less if creators and their work are not protected and enabled.

We are now creating a generation, or two, who believe that stealing work from the internet, or burning CDs and DVDs, and sharing them with others is acceptable behavior.

I had a fan tell me, " I liked your music so much I burned a CD for my mother!". This was supposed to be good news.

This is an educational problem, as well as an enforcement issue. I suggest that continuing broad-based awareness efforts from your office will continue to build a foundation for effective protection of creative work. Fines and real consequences for stealing are a necessary element of protection. Both should be strengthened to allow creativity to flourish in our Web-based society.

Thanks for your time and being open to the possibilities of limitless creation.

Tim Martin



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