

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: Re: Comments on the Joint Strategic Plan
Date: Wednesday, March 24, 2010 3:34:51 PM

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

Dear Ms. Espinel:

I don't believe that increased enforcement of intellectual property (IP) law is in the best interest of the American people.

Incumbent media industries have a history of attempting to extend IP law to avoid having to compete with new technology. Player pianos, radio, television, tape recorders, video recorders were all at one time seen as threats to the existing media industries of the day.

Technology has rendered the cost of duplication and distribution of digital goods to near zero. No amount of stronger enforcement will change this fundamental fact.

According to the incumbent IP industries, billions of dollars of losses are accorded to the assumption that each unauthorized copy represents a lost sale. Nowhere is it proven that this is the case. In fact, the movie industry had a record-breaking year in 2009. More movies are being made now as a result of cheaper means of production and distribution. The music industry is growing steadily as well (it's the recording industry that's suffering due to a failure to capitalize on lower costs). More and different forms of entertainment are being made and enjoyed now than at any other time in human history.

The incumbent IP industries also fail to recognize the benefits to society and the economy as a result of lower copy and distribution costs. There are numerous independent studies that have found that whole new industries (where they haven't been litigated out of existence by the incumbents) have sprang up as a result of improvements in media technology.

As an ironic example, the costs to Walt Disney might have prevented him from succeeding if today's IP laws had been around when he was appropriating older content as basis for his creations. Now the Disney corporation is one of the major proponents of IP law, getting copyright extended time and again in order to keep Mickey Mouse out of the public domain. A public domain where today's Walt Disney would be prevented from using Mickey as a basis for his new creations.

To put it bluntly, if a company cannot make money off of copies of its product in today's market, then that company should be looking for new opportunities other than selling copies.

It is not the government's job to ensure the success of any company's business model. Doing so can only result in restricting civil liberties and dangerously hampering America's true innovators at a time when global competition is fierce.

Sincerely,

Mike Martinet

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