

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: Re: Comments on the Joint Strategic Plan
Date: Tuesday, March 16, 2010 12:51:11 AM

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. I have personal experience with being mistakenly accused; I was notified by my ISP that I had allegedly downloaded an illegal file and that future illegal downloading my ISP would terminate my connection. I am certain I did not download the illegal file, but I do have an unsecured wireless connect. I share my internet connection because I believe everyone deserves the right to have access to the internet. It was through my unsecured shared wireless connect that someone must have downloaded a file illegally. If we look at the internet as literally a "highway" for my situation; someone else stole some object and merely exited the highway via my "off-ramp" and left, and some how because they used my off-ramp its my fault. There is also no way of knowing if maybe that user had purchased the file legally and was merely downloading it for a digital backup since it was be illegal break the digital locks to back the media up their own.

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. The DMCA takedown process also needs to be looked as it is rampantly misused and many sites are taken down before the actual case is reviewed and false request to take down content without the

authorization of the IP owner.

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. Everyday actions are severely affected by IP enforcement, and need to be carefully looked at so that the enforcement doesn't make it so hard to access and so complicated to understand, and is not only cost efficient but is time efficient to the public.

Sincerely,
Andrew Patton
(an Iowa State University Student and Iraq Veteran)