

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: Feedback re: Joint Strategic Plan
Date: Tuesday, March 23, 2010 3:54:31 AM

Dear Ms. Espinel,

Thank you for asking for public feedback on your initiative. This is a matter of great concern to all in the creative community.

I am the Founder and Creative Director of Spectrasonics. We create software virtual instruments and sounds that are used by the top music producers around the world. Our work is heard on nearly every major film, television show, video game and album released all over the world.

Here's our company story:

<http://www.spectrasonics.net/companyinfo/about-spectra.php>

My background:

<http://www.spectrasonics.net/artists/epersing.php>

Here's a list of some of our well-known customers and their projects:

<http://www.spectrasonics.net/companyinfo/users.php>

<http://www.spectrasonics.net/companyinfo/film.php>

Although we are an American small-business success story and have been able to achieve a lot with our company, we deal with an extraordinarily high level of piracy and abuse that is a huge threat to our livelihood and our ability to innovate. It's been a major problem for the 16 years that we've been in business.

Piracy is very easy to find, both on the international level and here at home. As you know, the problem is enforcement.

We have researched and been involved in this issue for years and have continually come to the conclusion that the government has no mechanism in place to even help us fight this battle....essentially, we currently have to do all the work ourselves. If we want to shut down an infringer, the only effective option for us to shut the infringer down is litigation, which is extremely costly for us, often has no recovery and is extraordinarily time-consuming. When an infringer is not in the US, the situation is even much worse. All of this leads to not being able to limit piracy in our industry without turning the enforcement of our rights into a career. The choice is usually between using our time, energy and resources to try to stop infringers or to use those resources to continue being creative and producing/innovating. This is an agonizing choice to have to make, but it's one that creators have to make every day.

But this only highlights how ineffective the government has been at dealing with the problem for creators. Our experience is that the government is incredibly slow to respond and act in an age when everything we do in our work happens incredibly fast.

But as a citizen of the US, I've always wondered something very basic:

Why is it taken seriously by the police if my car is stolen or if my business is broken into, but not when the actual works I've created are pirated which support my family and my employees?

The local authorities flat-out claim it's not their job to enforce my IP rights (which is amazing to me considering that we are located in the epicenter of the creative/music business).

But then who's job is it? Why do I have to fund and mount lawsuits to protect my creations? Why does the government only seem to listen to the mega-size film companies and not act on the behalf of the small-business creators in matters of infringement and enforcement. Where is the protection of the average creator or the small business person like myself? It seems fundamentally unfair.

You asked how local and state authorities enforcement could be improved. I'm afraid I actually had to laugh out loud when I read this. Every time we have attempted to receive any help from any government bodies (especially state and local), we have been utterly ignored and turned away. Our IP Attorney has been the only effective tool for enforcing our works, but we have to fund that entirely and litigation has many practical limits.

There simply is no real enforcement at a local or state level that I'm aware of. So perhaps the best starting place would be to admit that reality first.

What has been effective for us is working directly with private companies like eBay and YouTube. With these companies, it's easy to report an infringer and have the material removed quickly. This is a truly effective method and helps us tremendously.

The bottom line is that we desperately need measures and government enforcement that are simple like this. It's extremely easy for us to find piracy and infringement, that's never really been the problem. It should be as easy to report intellectual property infringement and piracy and let the authorities do the enforcement as it is to report a crime to the police. Companies like eBay and YouTube provide a model for something the government could do that would be effective.

Thank you for your efforts. There is tremendous frustration on this problem in our community. We appreciate even this first step of having someone to talk to in the government about the problem.

Sincerely,

Eric Persing - Burbank, California
Software Developer/Sound Designer/Musician/Composer/Songwriter/Producer
Founder/Creative Director of Spectrasonics