

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: Response for Joint Strategic Plan Regarding PRO-IP Act of 2008
Date: Tuesday, March 23, 2010 5:52:37 PM

To Ms. Espinel and Whom Else It May Concern:

The Copyright Alliance and A2IM (the U.S. independent music label trade organization) have informed me of this welcome invitation from the Obama Administration to share my thoughts on my rights as a creator, manager of, and owner of musical intellectual property. Ghostly International is a record label and holder of copyright, as is Ghostly Songs, which is a music publisher. As a personal note, I am a musician myself, and fully realize the importance of copyright protections for artists as well.

On behalf of all of the creators whom we are involved with, we feel it necessary to submit suggestions to you during this period of public commentary in the hopes of allowing you and your colleagues within the government a glimpse of how the protection of and interactions with intellectual property statutes play into the daily lives of those creators we are involved with.

As both an artist, and a manager of the copyright of others, it goes without saying that the defense of copyright, and the adverse effects of infringement of copyright are at the core of a musical artist's survival. Infringement impinges upon the ability of artists, creators, and owners to control the use of their own creativity, not to mention the income they should receive from their labor.

At every rung of the ladder of artistic growth, it is wholly important that the protections copyright law allows for be upheld. Imagine a brand new artist, putting out his or her first recording, and having that release appropriated by someone else, taking all the profits. Even on this scale which does not involve an outside third party, the importance of upholding copyright is inherently important.

However, we believe that while the industry at large's focus has unfortunately fallen upon the end consumer, and too much emphasis has been put on attempting to prevent individuals from illegally downloading files, when this, perhaps, is not the area that should be focused upon. We would rather see a more stringent focus on the prevention of unlicensed and unapproved re-sale of copyright, not only relating to music, but logomarks, trademarks, and visual works. The artists we have hired to make music with us, to create artwork for us, and to design for us have done so by entrusting us to protect their work, and to only assign it to third parties in cases where the usage makes sense, and appropriately credits and/or compensates the original creator. As such, we vigorously defend their intellectual property when we find that another party is re-selling or using that intellectual property to create income and it there is no approval, let alone compensation for the hours upon hours that the creators we are associated with have spent honing their creative craft.

We must say that we do understand that a top down approach to copyright is stifling creatively to other artists, and welcome the inclusion of an easy, creator centric approach to the management of intellectual property via methods like the Creative Commons, and laud

the work they have done to distill a legal framework that can, in all honesty, be confusing to creators into a quick and easily applicable methodology for approval that is inclusive of appropriate attribution and, if applicable, financial compensation.

Personally, I would go so far as to say that the fair use provisions of the law may need revision, and could learn from the advances in ease that the Creative Commons collective have implemented. At the bare minimum, it is essential that artists be able to create, and to do so, artists need to be able to build upon past influence. Furthermore, we should not attempt to stifle creativity given the advances in technology and the new doors for creativity that are opened in a world where remixes of original content and collaborative reuses are fluid and essential components of creativity. The model of ease that is presented in mechanical copyright is a model that could be applied here, in that a methodology to allow for quick compensation for commercial derivative usages could be applied. I do not pretend to suggest that this would be a necessary solution to the needs of all owners of trademark, logomark, visual, audio, and literary copyright, but should be reviewed in the interests of a solution that is appropriate for creators, owners, and secondary users and supports the creative interests of all involved.

In short, we hope for a process that includes creators, derivative users, copyright owners, and the independently owned parts of the industry in the decision making process, as it is our interests and the future of creative work within our nation that ultimately hangs in the balance of any decision or changes to intellectual property law that are made.

Sincerely,

Jeremy Peters

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Jeremy Peters
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