

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Cc: [The Harry Fox Agency](#)
Subject: Re: President Obama's IP Coordinator is Requesting your Comments - Deadline is March 24.
Date: Tuesday, March 23, 2010 9:42:08 AM

Hello Ms Espinel, the first U.S. Intellectual Property Enforcement Coordinator

Projekt

283 4th Avenue WHSE
Brooklyn, NY 11215-1811
[REDACTED]

Hello. I am very interested in the subject of the theft of intellectual property. I run my own small business, an independent Record label - Projekt Records <http://www.projekt.com> - with a yearly total income of about \$500,000 (of that, my salary of \$50,000 is about the only "profit" the business makes). I have been running Projekt full time since 1992. I also have my own band - Black Tape For A Blue Girl <http://www.blacktapeforabluegirl.com>. I have released 10 studio albums since 1986.

I spend a lot of my time thinking and writing about the theft of intellectual property. You can read my recent thoughts in this regards, here:
<http://projekt.com/abuse.asp>

You see, the federal government does NOTHING, to protect copyright holders from this crime. The RIAA pretends they are protecting artists, but all they are doing is fighting yesterday's battles on behalf of the Major Labels. The RIAA lobby their way into the Congress law-writing process, by battling net radio, podcasts, etc. What a waste of time. Netradio isn't the cause of the Record Industry's decline. The problem is the millions and millions of illegally traded albums. The battle needs to be against Rapidshare, Megaupload, PirateBay, Torrents, and all the other places "fans" trade music.

The federal government does NOTHING to stop the infringement on intellectual property such as music, video games, cds & books.

How does this affect me? An artist on Projekt that used to sell 10,000 copies of a CD in 1996 is now lucky in 2010 to sell 1200 copies. Where are all those sales going? Some blame it on peer-to-peer trading (ie: burning a copy of a cd for a friend). But by far the biggest problem is the Torrents & File-Trading sites like Rapidshare. One person uploads a Projekt album, then alerts everyone in the world that it is available there for FREE DOWNLOAD. It means that within days of the sale of the first copy of a Projekt CDs, there are illegal digital copies available for free. How can a business exist when the customers freely make the business' output available illegally?

What if I went to the corner Pizza restaurant, ordered a pie, enjoyed it with my five friends and then snuck out without paying? That would be theft! What if customers were allowed to walk out of Walmart with anything they wanted, without paying? That would be theft. What if those people then took the stolen lawnmowers and rifles, and made them available at the local pawnshop? That would be called fencing. It's an even bigger crime to sell illegal items across state lines. And this is what is happening every second, with the sites I previously mentioned. They are fencing stolen property, and nobody does anything to stop it.

The problem as it stands now, is that there is no sort of penalty for intellectual property crime.

Under the DMCA, I personally send ABUSE requests to file-sharing sites. (I posted instructions how to do it, here: <http://projekt.com/abuse.asp>) Every week, I send in at least 25 to 50 Abuse emails. If I spent 24 hours a day, I suspect I could report 1000 illegal Projekt albums, each week. Obviously, an intellectual property holder cannot spend their time policing the illegal use of their work. This is the government's job.

So, let's propose a few solutions:

1. Shut down all torrent sites
2. Block access to all torrent sites.
3. Shut down all file-sharing sites if they have more than 10 DMCA abuse reports filled against them
4. Require people to get a "license" to use the internet. One needs a license to drive a car. A license to own a cat. A whole bunch of licenses to own a business. A license to have a job (ie: your social security number). Why not a license to use the internet?!? People would need to "log in" using their license number, when uploading to file-sharing sites. People who illegally upload intellectual property should be tracked, found, kicked off the internet, fined, imprisoned.
5. Fund an organization to go into schools and educate kids in every grade about intellectual property rights. My son is 7 years old. He understands that stealing is wrong. He understands that stealing is detrimental to society. And he understands it affects him very personally when he says, "Daddy, can I get the JoeBot?" And I say, "Sorry son, if I had the extra \$106, I would. But where am I suppose to get that kind of money, when 95% of the music of Projekt is obtained illegally?!?!"
<http://www.nytimes.com/2009/10/04/business/04digi.html>

Why doesn't the Government build one or two less fighterjets, and use those billions to educate our children about what's right and wrong?

Speaking of my son, he really enjoys peanut butter sandwiches, chicken nuggets, and pizza. I know, just like any other 7 year old boy. HOWEVER, his dad has a job that the federal government blindly allows to be destroyed, because it does nothing to protect his rights. If I owned a 7-11, and people came in every day and stole food, the police would catch the criminals. But with intellectual property theft, I am basically left to fight the battle myself, and then get screwed.

This is the way America works?

What are the "risks" of ongoing intellectual property infringement? That musicians will stop making music. You know, I need to pay my rent and my bills, and the cost of my son's veggie chicken nuggets. As much as running a record label is fun, why will I do it when it means losing money every year. Artists will stop making art, when they are so completely screwed that they are turned off by the process. Who loses? The public loses. Because art is something ineffable that benefits society. The creators of that art deserve to be respected and compensated for their contribution to the world.

Sam

On Mar 22, 2010, at 1:42 PM, The Harry Fox Agency wrote:

Dear Client,

The Obama Administration is asking to hear from creators, including songwriters and recording artists, about how intellectual property infringement affects your livelihood. The Administration is also seeking advice on what the government could be doing to better protect the rights of artists and creators in our country. All comments must be submitted by Wednesday, March 24 by 5:00 p.m. EST.

BACKGROUND :

Last year President Obama appointed and the U.S. Senate confirmed Victoria Espinel to be the first U.S. Intellectual Property Enforcement Coordinator. Her job is "to help protect the creativity of the American public" by coordinating with all the federal agencies that fight the infringement of intellectual property, which includes pirating music, video games, and books; creating and selling counterfeit goods; and infringing upon the many other creative works that are produced by artists in this country.

As you know, the unauthorized copying, sale, and distribution of artists' intellectual property directly impacts the ability of artists and creators to control the use of their own creativity, not to mention their ability to receive income they have earned from their labor. This impacts U.S. employment and the economy, and our ability to globally compete.

As required by an Act of Congress (The PROIP Act of 2008), Ms. Espinel and her White House team are preparing a Joint Strategic Plan that will include YOUR FEEDBACK on the costs and risks that intellectual property infringement has on the American public.

HERE'S HOW TO MAKE YOURSELF HEARD:

1. Send an email to Ms. Espinel and the Obama Administration: intellectualproperty@omb.eop.gov .
2. Include in your email: your story, why intellectual property rights are important to you, how piracy and infringement affect you, and what the U.S. government can do to better protect the rights of creative Americans.
3. Also include in your email: your name, city, state, and what type of artist you are
4. **DO NOT INCLUDE ANY PERSONAL OR PRIVATE INFORMATION AS ALL COMMENTS WILL BE POSTED PUBLICALLY ON THE WHITE HOUSE WEBSITE.**
5. All comments must be submitted by Wednesday, **March 24 by 5:00 p.m. EDT** .

The entire call for comments is available here
www.whitehouse.gov/omb/assets/fedreg_2010/02232010_ipi.pdf .

You are currently subscribed to pub_hfaonline_users as:
sam@projekt.com .

To unsubscribe click here: <http://lyris.harryfox.com/u?id=262189B&o=2991&n=T&l=testunsubscribe>

(It may be necessary to cut and paste the above URL if the line is broken)

PROJEKT

Be our friend at MYSPACE: <http://www.myspace.com/projektfest>

iTwit: <http://twitter.com/BlackTapeSam> and <http://twitter.com/ProjektRecords>



<http://www.projekt.com/projekt/product.asp?sku=PRO00226>