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Sent: Tuesday, March 16, 2010 11:46 AM
To: FN-OMB-IntellectualProperty
Subject: Comments on the Joint Strategic Plan

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

Dear Ms. Espinel:

I am a scientist who works at a major university, and have seen first-hand how vital access to information is to our students and research efforts. I have also seen the enormous cost that enforcement of copyright claims, often spurious or over-reaching, has placed on the university.

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.

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.

Any plans or agreements on IP enforcement, like the proposed Anti Counterfeiting Trade Agreement (ACTA) should be made open and transparent. As the provisions that will affect us all in very fundamental ways in the future, I encourage you to debate these policies in the public.

Sincerely,

Christopher Spitzer