

From: [REDACTED]
To: [FN-OMB-IntellectualProperty](#)
Subject: The PRO-IP Act of 2008
Date: Monday, March 22, 2010 1:39:36 AM

The Copyright Alliance has informed me of this welcome invitation from the Obama Administration to share my thoughts on my rights as a creator. First, let me say thank you for including my experience as an artist, as well as that of other artists, in your Joint Strategic Plan that will be the result of the Pro IP Act of 2008.

I am a singer/songwriter/guitarist who has been working on the craft of writing, playing, and performing music for some time now. Over time, my quest for a career has brought me out to Los Angeles from Chicago with all of my band mates in tow. I'm certain that you are aware of the fact that getting into the music business is and has always been a tough proposition; however, I and so many others hold the belief that if you work really hard, acquire a strong sense of persistence, eventually you will get in there somehow. In my industry, they call this paying your dues. Unfortunately, not only has it always been difficult to break into the industry as we have known it, under the current conditions that we now face, it has become increasingly more complicated. There are many reasons for this, and they are all directly or indirectly related to the onset of piracy:

Some of the reasons for the increased hardships are:

- Less Artist Development on the part of record labels and management companies*
- A&R Representatives have less authority; i.e., no more signing power, just suggestive input*
- Many in the business whose sole purpose was to nurture new acts are no longer employed*
- Less money for recording budgets*
- Labels are not signing as many acts*
- Management companies are not taking on as many acts*
- Budget cuts for touring, especially for new acts*
- Less funding for press and publicity, especially for new acts*
- Increased homogenization due to all of the above*

Those are just but a few of the reasons that it is so hard to make a living playing music today. Now many people would say that with the onset of the internet, there is no longer a need for record labels and management companies. While for some this may be true, for many the internet alone has not resulted in what many would call a living wage salary. While there may be some exceptions, by and large, that is a fact. Many, if not most, musicians and artists will always need the help and nurturing of business minds to guide them along in their careers. This is essential, as an artist(s) needs not only a living wage to survive, but we also need time to create, and creation takes time, practice, and dedication.

My personal experience has been a rocky one. My band and I have worked on our craft for many years and we have quite a few fans that we have acquired along the way, thanks to the internet. If it were not for the net neutrality of the internet, we would never see the light of day; however, it has not resulted in a paycheck, which means that we are slowly going broke after years of dumping our own money into recording, living, rehearsals, instruments and their upkeep, and the travel (that we don't do enough of) that is necessary if an unknown and independent band is to get their name out there. We are truly on our own. While we have now acquired management, we have never been signed to a record label, and I can say with confidence that the reason for this is directly related to the onset of piracy. We've been approached by quite a few people over the years, a few of them from the majors, who have since lost their jobs. These are the people who wanted to help us. Now they are gone. We even had a meeting scheduled with the president of a major label, only to have it cancelled the very next day when he himself was let go. We are now told that the only way to make money is to get out on the road; this is a catch 22 situation, as it is difficult to get out onto the road if you have no funds for travel or publicity to begin with. I would also like to speak out on behalf of those in the artistic community who are either older &/or unable to tour on a regular basis. My point is that many creators

depend on some form of monetary feedback from their works, whether they last in perpetuity or not. These are things that we all should be thinking about as no one stays young and able forever in what is generally known as a young person's business. For many of us, this is it; this is what we have trained for. Many of us run the risk of having to return to a new and unknown workforce with little or no skills outside of the ones that we have acquired after years of developing our craft. It is important that we are compensated for our work. It is also important that we stress the importance of the property rights of creators; without enforcement of this fundamental right, incentive for many is lost, quality suffers, and many lose respect with regards to the quality of life of those who are affected the most: the creators.

Ideas on what the U.S. Government can do to enforce Intellectual Property Rights:

-Assure the public that anti-piracy enforcement is to be framed as an entirely unique and separate issue from that of net neutrality, and that the rights on non-infringers shall not be infringed upon.

-Communicate with the public; make it known that infringers on a small level will not be criminalized. Inform the public that privacy of the individual will be protected. Stress the importance of choice and the rule of law and that the enforcement of IP rights will not eliminate the option of a creator who may choose to give his/her work(s) away for free; many will continue to do so. Customers will simply need to make the choice of whether to seek out free works or to pay for works, according to what the creator/owner has decided upon with regards to the fate and distribution of their works.

-Communicate with Net Neutrality advocates. Try to find solutions by bringing everyone to the table for discussion

-Add fees to phone &/or cable bills for downloads that have not been paid for

-Prosecute offenders that have infringed upon copyrights on a large scale with the clear intent of doing so

-Look to technology for solutions. Bring tech companies to the table for discussion. Look to companies that provide online securities that track, watermark, and seek out viruses on the web in order to come up with a system that can keep up with hackers

Thank you again for taking the time to hear from creators like me. I truly believe that not only is a solution to this problem attainable, it is necessary to the upkeep of our culture, our economy as a whole, and to the livelihoods of so many creators.

Sincerely,

Juliette Tworsey-Singer/songwriter of FireBug-Los Angeles, Ca.