

Comments on Joint Strategic Plan

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The Center for Democracy & Technology (CDT) submits these comments in response to the February 23, 2010, Federal Register notice requesting written submissions regarding the Joint Strategic Plan for intellectual property enforcement. CDT is a non-profit, public interest organization dedicated to preserving and promoting openness, innovation, and freedom on the decentralized Internet.

While the Federal Register Notice seeks comment on the full range of intellectual property enforcement matters, our comments here will specifically address copyright, which with the growth of the Internet and new digital technologies, has been the site of novel factual disputes and considerable legal uncertainty for users and innovators. This stands in contrast to other intellectual property concerns such as counterfeit products, where the law is reasonably clear and there are potential risks to health and safety.

On copyright matters, CDT seeks balanced approaches to policy and enforcement that respect the rights of content creators without curtailing the Internet's tremendous potential for fostering innovation and free expression. This means that CDT supports vigorous enforcement of existing copyright laws. There is no substitute for bringing enforcement cases against bad actors - both individuals who infringe copyright and companies that actively encourage infringement. At the same time, copyright enforcement should not target technologies or providers of multipurpose online services, because that would risk throwing out the baby with the bathwater; new digital and Internet-based media and communications tools are of great value to consumers, the economy, and society in general.

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