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Computer & Communications Industry Association

IPEC Strategic Plan Questions:

The following are questions that the Computer & Communications Industry Association, which advocates a balanced approach to IP policy, will be asking when it reviews the strategic plan. The questions are followed by an explanation of their relevance to the issue. CCIA would encourage those who want to help the overall economy – not just one sector – to seek answers to these questions ahead of adopting an IP enforcement strategy.

1. Does the plan prioritize criminal law enforcement activities focused on counterfeiting that threatens health and public safety?

Removing dangerous counterfeits from the stream of commerce should be the government's primary goal. Using federal tax dollars to subsidize the legal campaigns of corporations with a demonstrated capacity to litigate their own interests should not be a top government priority.

2. Does the plan inject the Federal Government into inter-industry negotiations about how to balance the goals of technology innovation against preventing infringing online content online?

The Federal Government should not interfere in voluntary negotiations between private sector stakeholders on behalf of one party.

3. Does the plan limit itself to Congress's direction that it propose methods for better coordinating federal enforcement of intellectual property rights infringement, or does it have the effect of substantively changing copyright, patent, or trademark law?

The Joint Strategic Plan should recommend strategies for coordinating federal resources to target the most dangerous criminal elements. Proposing changes to civil IP law is not a coordination role for the IPEC to play. Had Congress intended to convene a blue ribbon panel to reevaluate U.S. IP law, it would have done so.

4. Will implementation of the plan upset the balance of U.S. IP law, and in doing so expose the most innovative sectors of the U.S. economy to broad, new, unjustified liability?

According to the National Economic Council, the Internet adds \$2 trillion to annual GDP, over \$6,500 per person. Internet retail sales alone reached \$178 billion in 2008. If the plan produces policies that upset the careful balance in U.S. IP law, Internet and technology industries will subsidize content industries, imperiling jobs and growth in a crucial sector of the U.S. economy.