

## COMMENT: THE MAKING AVAILABLE STUDY

© Carrie Devorah

Founder

THE CENTER FOR COPYRIGHT INTEGRITY

[info@centerforcopyrightintegrity.com](mailto:info@centerforcopyrightintegrity.com)

[www.centerforcopyrightintegrity.com](http://www.centerforcopyrightintegrity.com)

562-688-2883

MAY BE USED ONLY UNDER LICENSE

Gosh almighty, with all these studies going on, one has to be wondering when the Register of Copyrights will get things right. Enough studying. It is time to do nothing. Title 17 is just fine the way it is for Content Creators, it is the Thieves of our Content, IP, ID and Commerce who want changes. Just invite them to play ball then toss the ball in to traffic. Enough with trying to legalize IP theft. Isn't legalizing marijuana enough?

Practice makes perfect except when it is on the Taxpayer's time and dime. You would think the R o C, Register of Copyright, would be getting "it", by now, that caving in to monopoly pressures isn't cool for the little guy, not cool at all, T, not cool, at all.

Look, it is a no brainer when it comes to reading your government quote Treaties that aren't putting bacon on American tables or helping Americans pay for turning up their heat, dead winter. WIPO isn't the treaty your office is bound to. Your Office and staff are locked in to a Treaty within the American people. It's called the Constitution. And, yeah, it's called paycheck, yours, after all it is the Treasurer of the United States who signs on the dotted line, well, used to until along came the Disrupters, Technology's ingrates who probably never learned how to ask permission to share the sandbox of life, and that taking someone else's toys without permission may just end ya' upside of the head with a broadside of a pail.

So, no more talk about International Treaties, WIPO, their Treaties for Copyright, Performances and Phonograms. Yeah, yeah, yeah about Member States recognizing Rights of "Making Available" and "Communication to the Public In the national Laws." Paraphrasing? Treaties begin at home. Your job that you accepted, T, is to be American content creators' first line of defense, not our Benedict Arnold.

Sure, the "WIPO Internet Treaties" "obligates" member states to give authors of works, producers of sound recordings and performers whose performances are fixed in sound recordings the exclusive right to authorize the transmission of their works and sound recordings, including, through interactive platforms such as the Internet, where the public can choose where and when to access them."

Listen, just because a restaurant puts salt and pepper shakers out on a tables, does not mean you slip them in to your man-bag then quietly walk away with them. That's

COMMENT: THE MAKING AVAILABLE STUDY

© Carrie Devorah

Founder

THE CENTER FOR COPYRIGHT INTEGRITY

[info@centerforcopyrightintegrity.com](mailto:info@centerforcopyrightintegrity.com)

[www.centerforcopyrightintegrity.com](http://www.centerforcopyrightintegrity.com)

562-688-2883

MAY BE USED ONLY UNDER LICENSE

stealing. Just because someone puts their wallet on a counter and turns away to pay without their hand on their wallet, doesn't mean you can grab it and walk off with their wallet when you think they are not looking. That's stealing.

Same diff'.

Cut the cow puckie. Stand tall. Shout it loud and clear for everyone to hear, you're your statement is window dressing. When it comes to the Internet and Arts, the appearance is you're canoodling with Techies, without us. We The People do not appear to be valued in to your agency's equations. Fact is, with your office facilitating Tech getting what they are after, Life+70 does not exist, anymore, at all. Ceased. Kaput. 6' under. Gone. Fact is, Copyright lasts as long as it take to click, "Send," if not sooner, now that our PDA's come trap-doored to let the Tech Boogeymen monsters in to our Content, Lives, with Eric Schmidt, Google, taunting us Users with predictions that Schmidt broadcasts, putting Hitler to shame.

So what went wrong? And why all this charade at the expense of the American people.

How have you let things get so bad for the people who pay your way? Congress can ask for you to "assess". Let's remind Congress of things called 'terms', limits and things called votes. You know the People eventually do clue in when they are being sold a worthless Bill of Goods like your office is trying to make Title 17 into- worthless.

So, no more talk about WIPO squared comfy away in tax haven Switzerland, Chemin des Colombettes 34

CH-1211 Geneva 20, Switzerland. Forcing content creators to be compliant with your decision to be a Member state, without MY multi-stakeholder signed off agreement, is beginning to sound like a shout-out to the ACLU. Whatever are you doing to multi-stakeholders Civil Liberties? Quite frankly, until WIPO can keep its own house in order, free of scam artists, cons and more, ([http://www.wipo.int/pct/en/warning/pct\\_warning.html](http://www.wipo.int/pct/en/warning/pct_warning.html)) then I suggest the R of C, focus in on protecting our IP at home.

Take something without permission? Thief, I tell ya- thieves.

COMMENT: THE MAKING AVAILABLE STUDY

© Carrie Devorah

Founder

THE CENTER FOR COPYRIGHT INTEGRITY

[info@centerforcopyrightintegrity.com](mailto:info@centerforcopyrightintegrity.com)

[www.centerforcopyrightintegrity.com](http://www.centerforcopyrightintegrity.com)

562-688-2883

MAY BE USED ONLY UNDER LICENSE

(ii) Makes no difference to person's on home shores how "foreign laws have interpreted and implemented the relevant provisions of the WIPO Internet Treaties." Foreign shores don't pay your tab, the American people do. So, here is your daily Mantra, your *raison D'être* for which you go to work- We, the American people. The American people are why you are here working in the most historically glamorous building in DC. Getting off the script of the Berne Convention isn't working for us. Your office decided to charge fees for worthless papers, called Copyright Certificate, that give the purchaser little more than paper to line their bird's cage with once people discover that pricey paper won't get them a lawyer if there's no money in the case outcome for the lawyer.

(iii) As for amending US law? No. Don't you get it? Amending US law destroys a document that worked until this new age America along. Clarify this- don't change the law to make nice nice to each new drum thumper, a digital Music Man (<http://www.imdb.com/title/tt0056262/>) comes along knowing the keywords with which to exploit people's dreams. Tell the drum thumper they can do whatever they want a long as the drum thumper is in compliance with the law, which, when it comes to Copyright, is that doctrine that made America- a Person owns their own property. Whomever takes another Person's property is a thief.

The DMCA, the Digital Millennium Act, is a failure, forget about it failing to "include explicit references to 'making available' and 'communication to the public'".

Scrap it, totally.

Tear it down to the ground then walk away from that rubble. Look forward towards Title 18, making it clear that people, entities, countries and bots that steal know what is written in Title 18 that if there value of what they steal is less than \$400, it is one degree of crime, and if what they steal is more than \$400, it is another level of crime. Theft has nothing to do with the environment the Theft is committed in. What matters, only, is that the crime was committed, if Intent is proven along with whomever helped to commit huge crime, online or off.

You're a lawyer, Madame Register. You know of all the above that I wrote less eloquently than your speech writer writes your speeches for Hearings or Public Delivery.

COMMENT: THE MAKING AVAILABLE STUDY

© Carrie Devorah

Founder

THE CENTER FOR COPYRIGHT INTEGRITY

[info@centerforcopyrightintegrity.com](mailto:info@centerforcopyrightintegrity.com)

[www.centerforcopyrightintegrity.com](http://www.centerforcopyrightintegrity.com)

562-688-2883

MAY BE USED ONLY UNDER LICENSE

If your answer to Congress is anything but 'the law is clear that whatever form it is in, Content belongs to creators. Taking it, the content, is stealing. If you haven't had that thought then have you thought of your dream job or crafted the proverbial list of what you would do if Life handed you an unexpected Sabbatical.

That this Comment is even a question with opinions, on it, being solicited boggles the Copyright Content Creator's mind. What part of Copyrighted Works does Congress not care to get.

A Copyrighted Work is a Content Creator's property. Keep your hands off it unless you pay me for it, meeting all of my terms!

In simple and plain English, no one can use the Works unless the Property owner says so and THAT is only after being asked. Technology does not ask permission. It takes. The Digital World steals, excuse my being blunt. Re-write. Technology takes what belongs to others, without permission to take, and with no intention to pay for it. And, what if, the taxpayers have no money left because the 'Digital Environment' has stolen, most if not all? Pray tell, who is going to pay you and your team's salary...WIPO?

Oh, wait. Geez... Knowing the track record of Hill and Administration staffers jumping on to Tech's Freedom train? I hope I don't end up being prophetic..... you don't have a dream job waiting for you a Geneva yodel away, do you.....?