

August 3, 2007

VIA FAX AND U.S. MAIL

The Honorable Deborah Platt Majoras
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: Misrepresentation of Consumer Fair Use and Related Rights

Dear Chairman Majoras:

The undersigned organizations submit this letter to strongly support the request for investigation and complaint for injunctive relief filed by the Computer & Communications Industry Association (CCIA) in the above-referenced matter. We are a broad coalition of consumer rights and public interest organizations that represent citizens and groups that are materially harmed by the ongoing misstatements of the law made by the parties named in the CCIA complaint.

The CCIA argues that copyright notices that “materially misrepresent U.S. copyright law” confuse consumers. We agree. As the CCIA points out and as the Supreme Court has recognized, copyright law has “built-in First Amendment accommodations.” The copyright notices at issue in the CCIA’s complaint uniformly fail to make reference to these First Amendment protections. By systematically and materially misrepresenting copyright law, some content owners have unjustly and unfairly chilled free speech.

The purpose of copyright law is to promote creativity by providing incentives for creators, not to allow certain parties to control cultural discourse. By misstating the law, some parties are seeking, not to safeguard their rights, but to invent rights they do not have. By constant and conspicuous repetition, misleading copyright notices have led to a general and widespread misunderstanding of the scope and nature of copyright protection.

The FTC should not allow these unfair and deceptive trade practices to continue. We urge the FTC to grant CCIA's request for relief.

Respectfully submitted,

EDUCAUSE
THE ELECTRONIC FRONTIER FOUNDATION
FREECULTURE.ORG
KNOWLEDGE ECOLOGY INTERNATIONAL
PUBLIC KNOWLEDGE
THE SCHOLARLY PUBLISHING AND ACADEMIC RESOURCES COALITION
U.S. PUBLIC INTEREST RESEARCH GROUP

cc:

Pamela Jones Harbour, Commissioner
William E. Kovacic, Commissioner
Jon Leibowitz, Commissioner
J. Thomas Rosch, Commissioner
Donald S. Clark, Secretary of the Commission
Lydia Parnes, Director, Bureau of Consumer Protection