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Comments on 17 USC Section 1201(a)(1), Digital Millennium Copyright Act

Dear Copyright Office,

My comment on the Digital Millennium Copyright Act is that the Librarian of Congress should REJECT all provisions of Section 1201(a)(1), because the provisions therein prevent traditional "fair use" of copyrighted material by the public.

I am a concerned private citizen and not an expert in the field, so please excuse me for any accidental misuse of legal terminology.

Copyright law is designed to benefit the public by promoting creative works, by assigning exclusive rights to the creators of such works for a limited period. It was never intended to prevent fair use (such as library loans, video rentals, archiving, etc.) The effect of Section 1201(a)(1) is to ban all technologies that would enable such fair use, because they might also be used for infringement. As a side issue, this also grants very broad rights to copyright holders, effectively preventing members of the public from converting copyrighted material legally purchased in one media format to another media format. This is a standard practice in libraries, such as the conversion of printed periodicals to microfiche or electronically readable formats for storage purposes, or where deteriorating works are converted as a preservation measure. It is also a standard and legal practice for consumers, such as recording a broadcast TV show for later viewing, or copying songs from a CD to a cassette tape for personal use in a different player.

A specific example of abuse is the DVD media format, protected by the CSS encryption scheme and promoted by the MPAA. Section 1201(a)(1) effectively locks any DVD player manufacturer out of the market unless they pay a license fee to an industry consortium, even though a DVD player in no way infringes any copyright.

It is important to remember, that copyright was intended to promote creation of works so that the public would benefit, not to maximize the profits of copyright holders at the expense of the public.

Thank you for your time,

Eric Fitzgerald