

COMMENT DMCA 1201@loc.gov

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Sir,

The DMCA act's provision of anti-circumvention will prohibit "Fair Use" copies of all technologically protected works. One might even argue that since Microsoft Word does not store its documents in human readable form, any printing of letters sent in MS Word would violate this provision.

The DMCA also doesn't provide for "reverse-engineering" of copyrighted computer programs. If this act had been in force as little as fifteen years ago, there would be no personal computers available today except for IBM-PC XT's, if one were to remember back that far. IBM internal documents just after the release of the XT indicated that IBM did not feel that additional development of the XT into more powerful computers would be in the best interest of the Mainframe division. The most powerful personal computers available today are from thirty-two thousand to forty eight thousand times as powerful as the XT. The XT only allowed for six hundred and forty kilobytes of RAM, whereas today's computers allow for up to four gigabytes of ram. All these limitations would still be with us today but for the efforts of technicians to reverse engineer the BIOS (Basic Input Output System) of the original copyrighted work if IBM, and produce better, faster, cheaper computers.

The DMCA also doesn't allow "Fair Use" copies of items such as audio cassettes, video tape, or DVD's. I frequently have my niece over, and I like to let her watch cartoons. Unfortunately, being a bright and inquisitive little girl, she likes to see what's going on with the video tape in that machine. Exit one video tape. Fortunately, I don't let her have the original tape. I make a copy and let her watch the copy until it is broken. This is allowed under the old copyright law, as long as I don't sell the copy and destroy it before selling or giving away the original.

The DMCA as proposed would not allow a television station to excerpt a clip from a DVD movie and critique a new movie release.

Radio stations currently move a song from a CD (Compact Disk) to a computer file for playing on the air. The act in its current form would not allow that. One could argue that since the music is "encrypted" into computer instructions, that the mere act of playing a CD is illegal circumvention of encryption technology.

The DMCA should allow that any coping, reverse engineering, and or decryption of protection schemes, done in a manner consistent with fair use, be protected.

Copyright owners are entitled to quite strong remedies should their works be illegally appropriated. This is the profit motive, and without profit the public would not be enjoy works such as “Shindler’s List”, “The Matrix”, or other art. However, the rights of the owner should not be all-encompassing. Proper allowance to advance the field of technology, fair use, and media shifting should be preserved, both for the corporations and the public at large.