

according to your request for comments:

"The purpose of this rulemaking proceeding is to determine whether there are classes of works as to which users are, or are likely to be, adversely affected in their ability to make noninfringing uses if they are prohibited from circumventing such technological measures."

It is certainly the case that copy protection schemes have historically infringed on the ability of those who have paid to have access to any digital media of any kind. Software disks, CD-ROMS, DVDs, and other media.

It is especially the case that any protection scheme designed to require the user to purchase some proprietary hardware or proprietary software, in addition to the normal media containing the data, infringes upon those who choose to use the programs in ways unforeseen by the copyright holder, but which still fully comply with copyright laws.

For example: the attempt to force users of computers to use their DVDs only through the use of software created by a monopoly like Microsoft.

The DECSS source code allows legitimate DVD users access to their DVD information through the use of the software of their choice...

This attempt to limit DVD usage is similar to making a CD which can only be used with headphones, not with normal loudspeakers, or a book which can only be read when viewed from a certain angle through special glasses.

It would be perfectly legitimate to claim that either of the above techniques should not have the benefit of legal enforcement. They require the user to submit himself or herself to unpleasant, unreasonable conditions on the use of books, or CDs. It is equally unreasonable to require a person to purchase special legally-protected software or hardware to view DVDs, and to run that software from a specific operating system which must also be purchased. These are techniques already used to successfully create a monopoly on Operating Systems (Microsoft Windows). In general the Digital Millenium Copyright act seems to be intended to legally prevent users from having choices about deciding how to use legally purchased copyrighted works.

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