

Comments regarding 1201(a)(1) of the Copyright Act, 17 U.S.C. 1201(a)(1):

Congress, in passing the DMCA, clearly could not have meant to nullify long-standing Fair Use Doctrine decisions. If legislators had meant to do so, presumably they would have said so, and they did not. Assuming they meant to preserve the Fair Use Doctrine, DMCA must not be considered an end to Fair Use.

Currently, the motion picture industry is taking legal action against individuals who have reverse-engineered DVD encryption. DVD encryption should be considered an attempt by the motion picture industry to create a technological means of destroying Fair Use Doctrine, because that is precisely what it is. DVDs need not be decrypted in order to make perfect copies. This point is so crucial, I will restate it: DVDs need not be decrypted in order to make perfect copies. Therefore, reverse-engineering DVD encryption cannot be thought of as a means of facilitating copying; it is solely useful for viewing DVDs.

Fair Use Doctrine is well established in the law; it must be preserved, if not strengthened, in the Copyright office's, and the U.S. Government's, interpretation and enforcement of DMCA.

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