

To whom it may concern,

This letter is filed pursuant to your request for comments on the DMCA (Digital Millennium Copyright Act). My personal feelings are that the Act is vastly overbroad, infringes significantly upon First Amendment freedoms, and is largely the product of lobbying by self-interested media conglomerates seeking to extend the life of their largely illegitimate and technically outdated market privileges. An honest review of the history and purpose of copyright law would reveal that a serious restructuring, rather than a dedicated entrenching, of the interests involved in intellectual property law is required.

A perfect example of the dilemma is poised by the recent litigation over DeCSS. While the anti-circumvention provisions may prevent some piracy (which I actually doubt, as any technically sophisticated individual inclined to lawlessness will have already attained a copy of the software at issue), vis-à-vis law abiding citizens the provisions will prevent legitimate purchasers of intellectual property content to view/experience that content using the technology of their choice. The latter result is simply ridiculous. As a citizen who does live in conformity with intellectual property law, but who finds television horrific, DeCSS would allow me to view films using my computer running Linux (I choose not to own a television, VCR, or DVD player). That practice would appear to be perfectly within my rights, and I fail to see what legitimate role the DMCA can play in foreclosing that option at a national level.

The existence of a marginal faction interested in using the technology for illegal purposes does not legitimate legislative restrictions so broad that they impinge upon perfectly lawful or indeed, constitutionally protected, activities. The DMCA is a shameful example of financial interests intervening and corrupting government – which, one should be reminded – is supposed to legislate in the public interest.

Sincerely,

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