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Dear Sirs,

It has come to my attention that the Library of Congress is holding hearings on the so called "Digital Millenium Act" and that it has solicited informed public opinion for use in the discussion. The particular issue I would like to address is the "circumvention of access control technologies". I understand that this law was crafted, at least in theory, to prevent unauthorized access to copyrighted works. However that is not how some copyright holders are using this law. Currently the Motion Picture Association of America, henceforth the MPAA, has issued a number of lawsuits under this code attempting to prosecute the creators and distributors of a computer program known as "DeCSS".

"DeCSS" was designed by users of the Linux computer operating system as a way to convert standard video DVDs into a file format readable by their operating system. The reason they had to do this is because Linux represents such a small slice of the computer market that no large company was willing to make a DVD player program for the operating system. So, in the true spirit of Linux (a computer operating system partially designed by the people who use it), the Linux users made their own program to decrypt the DVDs and convert them into a file format readable by their computers, "DeCSS".

The MPAA sees "DeCSS" as an infringement on their copyrights and in particular a violation of the "Digital Milenium Act". They base this on the Act's statement that "No person shall circumvent a technological measure that effectively controls access to a work protected under this title." I, and many like me, believe they are mistaken in this. You see, the legitimate users of "DeCSS" ALREADY OWN the DVDs they are decrypting and converting to different file formats. They bought the DVD disc in a video/music store, or online, or what have you, paid the asked price and received ownership of the disc, as well as the attendant rights that ownership of that disc brings. This includes the common right of unrestricted personal use of the the works on the disc. This is all that the creators and users of "DeCSS" have done, they have exercised the rights they received when they purchased that DVD.

The MPAA's second major concern about "DeCSS" is that it can and will be used to commit piracy of it's copyrighted works. Again, I, and many others like me, believe they are mistaken. It is true that, theoretically, "DeCSS" could be used to make illegal copies of copyrighted works. But a common home VCR, when hooked up to a computer, can do the same thing, albeit with VHS cassettes, not DVDS. Would Congress suggest that we sue everybody who owns a VCR? Ah, but the MPAA's answer to this is to say that DVDs are different because they are encrypted and VHS cassettes are not and the "Digital Millenium Act" says: "No person shall circumvent a technological measure that effectively controls access to a work protected under this title." You may re-read the previous paragraph for my answer to this charge.

The other major problem with the MPAA's line of reasoning is that distribution of an illegally digitally copied DVD movie is near impossible. The file size is somewhere between 1 and 5 GIGABYTES OF DATA. This means that even if one had one's own web server, with a fancy, incredibly fast Internet connection of, say, 10,000,000 bits per second (or 1.25 megabytes per second) it would still take an average of 45 minutes to download a single movie. Now you might say, "Well, 45 minutes isn't really a whole lot of time.", to which I would add, "But less than .1% of Americans connected to the Internet have this type of connection." Much more common are the so called "Cable Modem" or "DSL" broadband Internet services. These can provide a user with upwards of 200,000 bits per second of download speed. At this rate, it would take about 37.5 HOURS to download a pirated DVD movie. The kicker here is that only somewhere between 10% and 20% of Internet users have this fast a connection. By far the most common kind of Internet connection is the so called "56k" modem. A "56k" modem can provide download speeds of up to 53,000 bits per second, though it is most often lower than this and can dip as low as 28,800 bits per second. Even at it's maximum rate of download, it would take a "56k" modem approximately 5.25 DAYS to download a pirated DVD movie. Why would anybody want to do this when, if you are really bent on illegally copying a movie, you can go to the local video store, spend \$5 to rent a movie and copy it onto a \$2 blank VHS cassette. Adding in travel time to and from the video store, and if you actually wanted to watch the tape while you were copying it, this would take less than 3 hours and only cost you \$7.

Having sufficiently debunked the MPAA's reasoning for suing the creators and distributors of "DeCSS", let me tell you what this is really about for them. It is about control. The MPAA wants people to buy movies, it's that simple. They think to keep people buying movies they must control the supply of movies. What they don't realize, as evidenced by their blind reactionary lawsuits, is that "DeCSS" and its users are no threat to them. The people who use "DeCSS" want to buy movies, not steal them. They just want to be able to enjoy the works they have purchased in all possible formats.

Now I have digressed sufficiently that I am surprised if you are still reading. My point for the Library of Congress is this: THE "Digital Millennium Act" is too broadly worded and can be used, as the MPAA is attempting, to prosecute people who have done nothing wrong merely because a copyright holder blindly fears loss of control of his prized works. Please, please, send a message to Congress: "Strike down the 'Digital Millennium Act!'"