

Please forgive any intrusion but as I collaborate with American biotechnology researchers I feel my points are valid.

My concern over this copyright legislation is that it makes technology designed to view information illegal even if that technology has a legitimate use.

As we can see from the legal action DVD Consortium they are trying to use this act to make illegal technology used to view their information

Even more chilling is the narrowness with which the court has chosen to interpret the exceptions written into the law.

When it was argued that the code was used to facilitate inter-operability the judge said that the code could be used for other purposes and so this argument did not hold.(section e of the judgment)

When it was argued that viewing was a fair use of the copyrighted material the judge responded that fair use did not apply as this act made the viewing technology illegal

When it was argued that the code was research into encryption the judge dismissed the argument stating there was not evidence of such

It appears that the interpretation of the courts is that the exceptions written into this law apply only if the measures used to circumvent copyright could not be used in an illegal manner and that this law supercedes fair use of data

This in turn gives a group the ability to control a viewing technology merely by using it to store copyrighted information and that control of this technology can effectively infringe on fair use.

This ability is all the more important with digital information where the line between encoded information and encrypted information blurs

To explain most forms of data stored in binary format have to be encoded to fit in that format it

would be a simple thing for a group to encode copyrighted material in that format and claim that format is an encryption. This would allow makers of a file format to effectively lock all other parties from using that file format. The inter-operability clause would not be of use because of its narrow interpretation and it would probably be impossible for libraries to produce their own research.

Think what would happen if someone have been able to make microfiche machines illegal except for archiving in libraries. There would be no microfiche even for that purpose

This is the center of my argument. That the ability of groups to make illegal the development of new means of data storage and new ways to view that data we as a society will be left without sufficient tools to deal with the new forms and amounts of data that we will need to contend with.

I appears as if everything I have said in this article has probably been said before and better by Pamela Samuelson in the article "Intellectual Property and the Digital Economy: Why the Anti-Circumvention Regulations Need to be Revised" in the Berkeley Technology Law Review, Spring 1999.

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