

Dear Copyright Office,

I am writing in reply to the assertion by Time Warner's Bernard R. Sorkin, who wrote in comment 43;

"I am aware of no works or classes of works that have, because of the implementation of technical protection measures, become less available to persons who desire to be lawful users."

I am aware of such; I offer my own experience.

I own a Sony DVD player and several DVDs. All were legally obtained, of course, by paying full retail price. This is fine under the proposed DMCA. However, I also own a laptop computer which I use during my commute, that features a DVD drive. Because of personal preference and work requirements I use the Linux operating system on my laptop computer, and therefore I am unable to play my own DVD disks on my own DVD drive.

There were many attempts to get a DVD player written for Linux, but because of the Content Scrambling System (CSS), programmers were at the mercy of the DVD consortium for permission. For some reason the DVD consortium refused to grant it, thereby denying Linux users the right to watch their own legally purchased movies on their own legally purchased DVD players.

A programmer from the open source community was able to reverse engineer the CSS, and created a program that allowed viewing of DVD's on Linux systems. Keep in mind that this has nothing to do with copying. There is no need to descramble a DVD to digitally copy it. One can make a full digital copy of a CSS encoded DVD and play it on any DVD player. Despite this, the programmer in question is being prosecuted for trying to give me the freedom to make legal use of my legally purchased media and equipment.

It seems to me that the DMCA goes far beyond the scope of protecting intellectual property and into the realm of restricting peoples rights. For this reason, based on my experience as a legal user of copyrighted material, I believe that enforcement of the Digital Millennium Copyright Act Section 1201(a)(1), and the prohibition in subparagraph (A), as it stands, would be a mistake.

I thank you for the opportunity to voice my opinion in the matter.

Sincerely,
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