

Sir,

I believe that the Digital Millennium Copyright Act has over-stepped its bounds. Section 1201 (and additional sections) should be eliminated completely. Rather than protecting the rights of the work's creator it infringes on the rights of the consumer. Consumers have the right to fair use. Whenever there is a question of possible fair use by the public, versus possible loss of control by the author, fair use must prevail to guarantee the freedoms America was founded on.

I am not familiar with the detailed break down of the various classes of copyrighted material. However, in general I believe:

- 1) Any class of copyrighted works should be exempt from section 1201 if a monopoly or pseudo-monopoly exists for gaining access to the information necessary to create a device that allows for fair use of a legal copy of the work.
- 2) Any class of copyrighted works should be exempt from section 1201 if there is any direct payment (such as licensing fee) to gain access to the information needed to create a device that allows for fair use of a legal copy of the work.
- 3) Any class of copyrighted works should be exempted from section 1201 if any non-profit group of people can or are in the process of developing a device whose function is to allow a user to fairly use a legal copy of the work.
- 4) Any person should be able to circumvent a technological measure that effectively controls access to a work if the circumvention can lead to fair use of copyrighted work.

Real-Life Example: Video (and Audio) DVD's should be exempted because the access controls prevent users who legally obtained the copyrighted work to ethically and fairly use the product in certain situations. Now a free software program has been developed that allows those to fairly use the copyrighted work in some of those previously unusable situations. (Note: in the case of DVDs there was also a monopoly on the information necessary to create a device that allowed fair use and a cost in the form of licensing fees paid to the DCCA for information on how to create this device.)

Thank You,

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Note in this document:

- 1)"fair use" is "non-infringing use"
- 2)"device" refers to either hardware or software.