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I would like to thank the copyright office for inviting concerned citizens to submit input on section 1201 of the Digital Millenium Copyright Act. While I'm sure public opinion is always valued, it is rare that an agency seeks public input to the degree of which I have seen on this issue. I think that an open and fair government, where the power in both decision making, and to what degree these decisions are enforced is controlled by the citizens, not the government or corporations is the only way to a true and fair democracy.

While there are obviously legal questions at hand here, I would like to take a moment to look at it logically. To strip away the legalese, and see what is appropriate when common sense is applied.

There is an obvious need for the protection of ideas, works of art, and other media. In the digital age, this is increasingly more difficult. A compact disc can be easily replicated and distributed en masse, a DVD can be copied bit-by-bit, stored on a computer hard drive, and sent over the internet. Of course, these things can be done with or without any form of law on their side. It is inherent to any form of digital media, that if it can be read, is can be copied.

The allegation that the DeCSS encryption breaking software allows for easier copying of DVD's is false. A DVD, which is basically an ordered series of 1's and 0's, can be copied with or without first decrypting its content. It cannot be played without first being decrypted, but a copy is no more difficult to do than a CD or tape copy would be. The authors of the DeCSS software, as well as css-auth and LiViD, were not attempting to create a way to circumvent copy protection, they were creating a way to play DVD's. DVD's that they had bought. DVD's that they could not otherwise play, because they had exercised their rights as consumers, and chosen an operating system that they wanted to use, not one that was chosen for them by a corporation.

Not only was the intent not to create a copying mechanism, but what they have created does not make it inherently easier to copy DVD's either. The logistics of decrypting an entire DVD storing it on a computer system, and having the proper bandwidth for internet distribution are economically inferior to simply purchasing a piece of DVD writing hardware, and making bit-by-bit copies of DVD's.

The problem is that this is not about copy protection, this is about the monopoly that media companies wish to maintain on the distribution and sale of DVD-playing devices, as well as the movies themselves. The regional codes used on DVD's and and DVD-

players allow for economic control of the DVD market, and in fact, violate certain fair trade laws of the WTO.

It would be my recommendation, as both a registered voter, a consumer, and a future technologist, that you look not at the economic interests of the corporations that are seemingly closer and closer to government affairs, but instead look at the concerns of the citizens themselves.

Consumers want to be able to buy movies and send them to their aunt in England, and have her be able to play them on the DVD player she bought there. Due to the region codes taking advantage of local economies around the world, the consumer cannot do this, and the extra money required goes into the hands of the media companies. The consumers want to be able to play a DVD on their computer, under whatever Operating System they choose to run. They also want to have the right to create this software if it is necessary. Prohibiting someone from reverse engineering a non-patented piece of hardware is the equivalent of forcing people to buy cars with the hoods sealed shut and having them sign a piece of paper saying they won't tinker with it.

It is fairly apparent that the quality of software created with the open-source development model is superior to that of the proprietary closed model.

I ask that you please think about the intent of these laws as they apply to the population as a whole, that you keep in mind that the United States does NOT run the internet, and that the only way to maintain fair competition and the advance of technology, while maintaining a level of consumer rights and personal freedoms in compliance with the perceived ideal model of democracy is to encourage fair trade, open standards and to encourage exchange of ideas, not the proliferation of corporate bullying to help the rich get richer.

Thank you for this opportunity to voice my opinion, I hope that you do similar things with other technology issues in the near future, and I look forward to continuing to do my part in ensuring the continuation of fair trade into the next millennium.

Sincerely,

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(a voting citizen)  
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