

Dear Sirs:

At its core this legislation is about controlling distribution, not protecting the rights of content producers. For protecting the rights of producers, current copyright laws work just fine. Copying, in the form of audio cassettes and VHS tapes, has been around for over 20 years. The music and movie industries claimed these would destroy their profits, but it never happened. Existing copyright protection proved sufficient. American businessmen found there are better ways to make money than breaking the law. As for foreign piracy, it exists in spite of current laws, so there is no reason to think additional laws, even if they could be enforced overseas, would help.

DCMA is not a harmless law. Because it focuses on techniques of distribution, instead of ownership, it is an extremely invasive law. Enforcing it requires a legal infrastructure that would cripple innovation in new ways to distribute and share media. In addition it effectively removes our rights to "fair use" and in doing so compromises our first amendment rights to freedom of speech.

Television, movie and record companies came into being with recording and broadcast technology, and in the process replaced live theatre and live music. It's quite likely that the internet will simply make them obsolete. This is the true fear of the backers of DMCA, but just like travel agents, stockbrokers, and loan officers, music distributors need to face that unless they can find some way to be useful in the new economy, they will go the way of buggy-whip makers and telegram deliverers. This is an example of how the internet brings the new efficiencies that are making our economy soar.

It's unclear how the nature of music and software distribution will evolve, but this evolution is best left to the market. If consumers are somehow hurt in the process, it will only be temporary. There will inevitably be a market opportunity in making consumers happy, and companies will develop new technologies to address consumers' concerns.

In the final analysis there are three main issues: first amendment rights to the free exchange of information, the need of consumers to have access to media, and the right of media distributors to make money. This last right is by far the least compelling--music and free speech have been around far longer than media distributors, and affect all Americans, not just a few large stockholders. Regardless, as long

as the media companies are making huge profits anyway, its entirely premature to start passing heavy handed legislation. At best, DCMA is a costly solution to a problem that doesn't even exist yet.

Sincerely,

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