

## Comments on the DMCA by David C. Acklam

DMCA Comments, by David C. Acklam, and ordinary citizen

If you are looking for what the citizens of this country want done with the DMCA, we just plain DON'T WANT IT!

This law was passed not to serve popular demand, but to serve large corporate interests attempting to tighten their stranglehold on the users of their products.

Does the average consumer care about how much money big companies loose from copyright infringement??? NO!

What we care about, is that we can buy a DVD, or a software program, or some other copyrighted product, take it home, and view or use it on the system of our choice, and that we can make tools to permit this without fear of a lawsuit from whatever monopolist controlls the product. (I.e. there is no DVD software that works with my computer and operating system of choice, so if I have the skills, I should be able to write DVD software for this computer and operating system hardware, and no one should be able to sue me for it! I should also be able to write a program that helps to develop this type of technology, including one that circumvents any encryption or other copy protection for the purpose of legitimately viewing a copyrighted work. The best example of this is DeCSS, which implements the DVD decryption process. The purpose of this was to publish a working example of DVD decryption software, which could then be integrated into a DVD viewing program (by sending the decrypted output to a video viewer, instead of saving it to disk) This program and others like it should be legal, since they have legitimate uses (banning such software would be like banning VCR's because they can make copies of videotapes)).)

The DMCA should more properly be called the LMCA or 'Last Millenium Copyright Act', as it allows 1900's style monopolies (ala Std Oil & AT&T) to continue to operate at the detriment of the consumer, under government protection. The purpose of copyright, as defined in the constitution is to FURTHER THE CAUSE OF INNOVATION, not to protect large companies, but the only visible purpose of the DMCA is to allow large companies to beat down their smaller competition with lawsuits. The message that current intelectual property law is presenting is that 'You have to be a big company to innovate in the 'digital millennium''! The greatest inventions of our country's history (The airplane, the PC (Apple II), the electric light, and so on...) have not been made by corporations, but by individuals working out of houses, basements, and garages. Let's not regulate the software/information age to monopolists, by letting them use this law as a legal billy club to beat down any possible competition!

Furthermore, criminalizing the breaking of copy-protection is a general dis-service to the public, since it allows for companies to get away with poor copyprotection, which ends up locking legitimate users out! Let's say that a person buys a copyprotected software program, and it turns out that the copyprotection is broken. They can't install their new \$89 program, or maybe some of the features don't work! Under past law, they could legally go out on the internet, find a 'crack' for that program (a piece of software designed to defeat the copy protection) and legally obtain and use it to get access to their program. Now it's illegal. This is like arresting someone for burglary because they broke into their own house after leaving the keys inside! (And yes, this kind of

poor copyprotection design is QUITE PREVALENT. Also, the manufacturers automatically assume that you illegally obtained the product and will never help you to get inside, so cracking it is your only hope.) As for the writing of such 'crack' programs, this should be legal too - since very few people have the programming know-how to do it themselves. The only thing illegal should be using a 'crack' to gain access to something you shouldn't have access to!