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### DMCA Comments

The Electronic Frontier Foundation (EFF) seems to be taking the appropriate steps against the new copyright laws known as DMCA. The Digital Millennium Copyright Act (DMCA) seems to strongly favor the rights of all copyright holders. In the realm of Information Technology, it seems difficult to place barriers on what should or should not be considered copyrightable. In response to the EFF's comments, DVD players should be exempt from the DMCA restrictions. Motion picture industries should not have the right to control the user's ability to manipulate what they have legally purchased. Under the idea of fair use, consumers are granted the rights to make personal use copies of works for the purposes of time shifting or space shifting their DVDs. The issue of fair use is essential in the digital realm and any restrictions on the idea of fair use contradict the First Amendment of the Constitution. The DMCA willingness to have access control restrictions on digital technology is going to have a negative impact on the expansion of the digital realm. Such access control restrictions that exist today are the Content Scrambling System (CSS) and the Secure Digital Music Initiative (SDMI). In response to the CSS, copyright holders are favored because the CSS prevents people like me from viewing DVDs on devices that are unauthorized by the copyright holder. By requiring "authorizing" devices, the Motion Pictures Industry is shifting the balance of copyright towards the favor of copyright holders at the expense of free speech, innovation, and competition. Under the copyright's First Sale Law, the author's right for

control is terminated at the point of sale. Programs like the CSS contradict this law and will place control over DVDs forever.

The realm of DVD is growing and as of right now, there are no substituting formats that exist. In all actuality, DVDs should be exempt from the DMCA's anti-circumvention provisions. The CSS program does not protect the rights of the copyright holder but rather controls viewing of DVD movies. Thus, the CSS program is outside of the copyright holder's control and is also attempting to control the chances for users to have creative expression. The idea of the CSS fosters anti-competitive and monopolistic practices that will shift the balance of copyright law. In response to these access control attempts, Consumers will download free software off the Internet for viewing of DVD movies that are protected under various anti-trust laws. Under fair use, consumers have the rights to protect themselves against eventual media failure. Taking this one step further, the new CSS system drastically reduces the availability of DVDs for nonprofit educational purposes. The CSS system would hinder the education program and the advancement of digital media. The use of DVD in the realm of education is a technological advancement that would greatly enhance education at all levels. If the DMCA can be used to prevent the use of DVDs to authorized players only, then the divide between education and the principles of copyright law will only grow larger. Not being able to incorporate DVDs in the realm of education or research would face conflict with freedom of expression principles that are given to us under the Constitution as well as the fair use clause under copyright law.