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Dear Sir or Madame:

This document is a comment on the DMCA Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies. I am writing to express my strong concern over the enactment into law of legal restraints on reverse engineering software, in particular as it relates to copyright protection systems.

Although proponents of criminalizing non-authorized decryption software claim that such measures are necessary to prevent serious economic losses to copyright holders, this position is simply wrong, for numerous reasons. First and foremost, banning third-party decryption software would have no impact those parties responsible for organized, large-scale piracy for the simple reason that they neither need nor use such software in their illegal activities. The equipment used to pirate digital media is completely unrelated to decryption; it merely makes exact copies of the original media. For this reason alone the "Prohibition of Circumvention" clause would have no impact on organized piracy.

An argument could be made that this prohibition on un-authorized circumvention would prevent "ordinary" home users from making copies of digital media. Established legal interpretations of "Fair Use", however, allow for such duplication of lawfully purchased analog media for the purposes of criticism, satire, or even reasons as mundane as creating a backup copy for safekeeping. This provision of the DMCA would effectively eviscerate the concept of Fair Use, and without a compelling reason.

Finally, if the prohibition of copyright protection systems is prohibited by the DMCA, the owners of the encryption system will have been effectively granted a monopoly on the manufacturing of hardware devices.

For these reasons, I ardently approve the removal of the Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies from the DMCA, or including language to clarify its scope by ensure that it does not contravene "fair use".

Scott F. Williams