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Reply comment

Concerning the Copyright Office's Rulemaking on Exemptions from Prohibition on Circumvention of Technological Measures that Control Access to Copyrighted Works.

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I would first like to make my own background plain. I work as part of a group of professionals in the business of developing content in a varied of media, including digital media – things including, but certainly not limited to, music, cartoons, movies, video games, original works of fiction. We are, literally, a collective of artists – the very people whom copyright laws, and ostensibly the law at hand, are intended to protect.

Despite our considerable interest, personally and as a company, in the continuing protection of our own creative works, we find the form of the legislation at hand here to be seriously flawed.

My understanding of our country's legal doctrines of intellectual property informs me that the creator of an original work is granted ownership and control over that work – a kind of intellectual monopoly - *so that the community can benefit from an environment where creativity is rewarded by the state*. I add this emphasis because it is my belief that this law must, as all laws must, exist in proper balance between a freedom it affirms or reduces, and the overall benefit to society.

It is clear that the business of intellectual property ownership has prospered and grown in ways the original authors of our intellectual property laws could not have possibly anticipated. We have seen in our lifetimes the rise of intellectual property as an industry – and its rise to primacy among all industries, in not only significance, but financial success.

In the face of this success, we find the notion of being denied access to any materials which we rightfully own, to take them apart, to understand how they work, to modify and experiment with them, both unjustifiable and unprecedented. Put simply, these freedoms are an integral part of a free and enlightened society – and must not be infringed upon. **It is the use of these freedoms to commit a criminal act, and nothing less, which should constitute a crime.**

I believe a generation of Americans has grown up ennobled by the freedom to explore their world without fear of reprisal or persecution. The atmosphere of intellectual and creative freedom which has so empowered our citizens and our nation is, in fact, the fertile field which our copyright laws are designed to foster and help grow to fruition. It is certainly the condition which the framers of our Constitution and our Bill of Rights intended when they set out the foundations of our democracy.

On the balance, we cannot find the portions of this law beneficial to society, that would criminalize an intellectual or creative pursuit, such as reverse engineering an existing technology, or experimenting with the knowledge gained thereby. The freedom to perform these acts, *innocent of any intent to commit theft, damage the reputation, or deprive any artist of any benefit that would otherwise be deprived from their own works*, must be preserved. In fact, this freedom can represent the source of much of our understanding of the world, as scientists, engineers, and thinkers to be.

Again, simply put, the powers granted to owners of intellectual property by these profound new restrictions are far outweighed by the harm done to the society that intellectual property law is meant to benefit, and cannot justify the tenuous additional protections of the rights of property holders as they exist today.

Owners and creators of media have, and perhaps will continue to shame our discipline through attempts, born in self-interest, to create and influence legislation that will benefit themselves, and not society at large. The growth of intellectual property law has been marked by repeated, transparent attempts by those who would benefit from damagingly strong protection of their own works, even as they benefit from the works of others – works not protected by ordinary limitations of copyright. We decry this trend, and insist that only through moderate, balanced copyright laws can the interests of both the artist, and society, best be served.

We respectfully submit that the prohibition of acts “of circumventing a technological measure in order to gain access,” and other restrictions on behavior *not actually responsible* for the diminution of rights and protections given to creators of intellectual property, be abandoned. Our existing laws are strong enough – we need no further protections, except from those who would, in their own self-interest, restrict the freedoms of others.

We would like to thank the Copyright Office of the Library of Congress for their openness and willingness to accept public comment. Thank you all for your time.