

Donald H. Phillips, Ph.D.
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Re: Time Warner Comment on 1201 (a) (1)

Dear Sir/Madam:

I favor the principals of Copyright as embodied in law. That law recognizes certain reasonable rights of consumers with regard to the use of lawfully purchased copyrighted materials.

Each new technology (zerography, tape cassettes, etc.) has brought cries to eliminate those rights because of the power technology to make cheap copies of copyrighted materials. However, computers have always stimulated a more powerful version of this techno-phobe paranoia.

Time Warner's comments seem to have been made with blinders on. These blinders, fashioned from economic greed arising from the technical possibility of controlling all aspects of the use of copyrighted materials, prevent Time Warner from recognizing the restrictions 1201 (a) (1), as proposed, would place on the legitimate use of copyrighted materials (e.g. for research purposes). Time Warner's answer to such concerns seems to be that any such concerns can be addressed by the purchase of the material in another media which would not be subject to the restrictions of 1201 (a) (1), as proposed. There is, of course, no requirement that such material be offered in such other media formats and a requirement that additional purchases be made in order to acquire the rights embodied in law seems to violate at least the spirit of the law.

I urge you to carefully consider the comments submitted by the Computer Professionals for Social Responsibility. The law and regulations should focus on the act of misuse of copyrighted materials - not on limiting technologies which might be applied to such practices. For example, the fact that a laser can damage eyes very efficiently is not a reason to ban laser technology - laser technology is used in eye surgery. The beneficial uses of new technology are not easily forseen.

Sincerely

Donald H. Phillips