

Comments regarding the Digital Millennium Copyright Act (DMCA)

Generally speaking the DMCA has done more to hamper progress and rights of US citizens than it has done to help. Corporations, i.e. RIAA (Recording Industry Association of America) and the MPAA (Motion Picture Association of America), have generated lawsuits against various people at an unbelievable rate. Quite often, disputes are quickly resolved in the CORPORATIONS favor by scare tactics. The most overused is the "Cease and Desist" letter written to the website's ISP.

Websites are taken down and unfairly muted without due process. This is entirely unfair but is not the only abuse of the DMCA.

Other abuses include the infamous DeCSS [MPAA vs. 2600] case. The DVD Consortium has labeled CSS (content scrambling system) as a access circumvention technology when in fact it is simply used for regional coding allowing the publishers of DVD content to extract as much as possible from the varying markets. DVD's purchased in ASIA will not work in players purchased in the US.

Under the corporations interpretation of the DMCA, circumventing this access control technology would be illegal, despite the long standing tradition of reverse engineering. If the DeCSS technology is circumvented by reverse engineering DeCSS using longstanding reverse engineering practices allowing for competing technology then this should be legal.

Think of where the PC market if reverse engineering was illegal. The modern PC bios was reversed engineered from IBM by Compaq paving the way for cheap compatible personal computers. Without reverse engineering of the PC bios we would be deadlocked to an IBM PC monopoly.

I am concerned that the DMCA has shifted the balance of power away from the consumer and left it unfairly leveraged by the Corporation. The corporations consider there to be no "FAIR USE" allowable. If I wanted to quote from a DVD, something totally legal under fair use, I would need to circumvent the CSS system to get at the underlying data. This tactic is now made illegal under the DMCA.

Thank you.

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