

I am making my comments as both a computer programmer and a user of copyrighted material.

I strongly oppose the additional limits on the fair use of copyright material introduced with DMCA. I believe that the pendulum has swung too far in the interest of the copyright holders and has begun to trample the needs and rights of the copyright users.

I can foresee a significant problem with the "technological circumvention of copyright protection" clause of DMCA. The following five items come immediately to mind:

1. This will limit how the copyright material may be used to what is envisioned by the copyright holder. New and creative uses of the copyrighted material will be stifled.

2. There will be a fear of working with the copyright material lest you run afoul of what some company's legal department believes to be a technological circumvention or what some future court decision decides is a technological circumvention.

3. You can become bound up in the economic fortunes of the copyright holder. If the copyright holder falls on hard times, your access to the copyright material may not stay current with the rest of the industry. Worse yet, if the copyright holder should fail or become uninterested in the copyrighted material, you may no longer have any access to the material and you will not be able to get a third party to "unlock" the material for you.

4. Adding locks to copyright material that are "secret" may compromise the functionality of a product that uses the copyrighted material. For example, say you have designed a product that navigates a vehicle. This vehicle uses a Global Positioning System (GPS) database that has some form of copyright protection. Since you have no visibility into the way the copyright protection is implemented, you can never be sure that an access to that database may be deemed a copyright violation. This could be devastating if the vehicle is navigating city streets and this problem occurs.

5. You may be forced to pay for the same copyrighted material again. This could happen if there was a technological improvement, or just another way to access the copyright material. You would not be able to adapt the copyrighted material to this new form yourself.

It seems to me that all copyright law "improvements" since 1950 have been instituted by lobbying efforts of corporations. All such lobbying efforts seem aimed at keeping a corporation's market position, slowing technological progress so that the corporation can attempt to catch up with some of their more forward looking competition, and attempting to have copyright users pay multiple times for essentially the same copyrighted material. This is obviously a case of "if you aren't winning the game, change the rules".

It is obvious to me that this is unbalancing copyright laws in favor of copyright holders. As a computer programmer, I have benefited economically from this. As a member of society, I have been robbed of many of my rights and been held back in the pursuit of knowledge.

Copyright law should be based on the ideal that there should be a free and unhindered exchange of ideas and expression between people. Knowledge is what makes a society "grow". Each generation gains from the knowledge it creates mixed with the knowledge that it has gained from previous generations. Copyright springs from the recognition that some people will add to society's knowledge base freely, without asking for anything in return. Others will do so only if they can profit from it. We, as a society, grant this latter group of people a limited amount of time where they may profit from their work in exchange for the work being added to the society's knowledge pool and the ability to add on to that work. In other words, "use" that knowledge.

Copyright law should never be used as a weapon against people. I feel that

many of the
laws that are being enacted surrounding intellectual property are doing just
that.

We seem to be trying to lock intellectual property up as tightly as we
possibly can.
We shouldn't be doing that. We should be doing just the opposite.

Thank you for your consideration of my opinions.

Bob Beard
1819 Wicklow Rd
Naperville, IL 60564-3180
630-904-1756
rv6abob@hotmail.com