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DMCA Discussion Paper
Extra Credit

There are many controversies surrounding the updated Copyright Law known as the DMCA of 1998 (the Digital Millennium Copyright Act), the main questions the controversy is surrounding are if the material is copyrightable, and if the use of the material is a fair one (if it fair use?).

Under the 1980 Amendment to the 1976 Copyright Act, computer programs received copyright protection, but it was up to the courts to decide a “delicate balance” between the author’s rights and the public’s rights. It was also up to the courts to determine whether or not a copyrighted computer program was fair use for the public. These laws and regulations are still applicable to the DMCA, but now the author’s (technically the owner of the copyright) rights are held over (are more important to uphold) than the public’s rights. It is also lawful to make backup copies, while reverse engineering is prohibited (the courts have the power to determine exceptions to these laws), and the right to cryptographic analysis is in debate.

These are the main reasons why the EFF (the Electronic Frontier Foundation) is opposed to the DMCA of 1998. They believe that these new regulations are thwarting the public’s rights when it comes to copyright laws that deal with computer programs. Therefore they have requested comments from the public on their suggested views.

I agree with the EFF, I believe that it is the public’s rights to fair use that must be upheld, and not just those of the author. When the author, the owner of the copyright, puts something on the internet, it should then be considered fair use for anyone who

wishes to read it, download it, or use it as they see fit. The public should be able to do these things as long as they don't distribute it publicly or make money off of the copyrighted material. The DMCA is hindering our nation's educational growth and research for our future; the public use of some copyrighted material could help the growth of our nation tremendously.

There needs to be more control over the misuse of copyrighted material and programs. However, taking away the public's access and rights to this information is not the answer that would merely hinder the present rise of technology and the development of new information and ideas. All of which are the basis of our nation in the quickly growing world of computers and technology.