

As a programmer and creator of digital media content, I would like to reply regarding comments on Section 1201(a)(1) of The Digital Millennium Copyright Act (Docket #7M99-7).

Copyrights are traditionally given for the purpose of encouraging arts and sciences, providing the copyright holder with rights that are immediately protective, and over time deferred to more public use. Quite the opposite effect is discovered in computer programmed media: The licensed product only works as long as its operating system is maintainable.

I purchased a Data CD of books in electronic form, but they are encrypted for an older Microsoft Operating System. Soon, that operating system will be unsupported and obsolete. Windows 2000 ("W2K") breaks more software than the Y2K bug ever did, my books included. If the product life expectancy of an OS is three years, I have few choices to continue my access to my books: I must either continue on a wheel of planned obsolescence and product lock-in, subject to the Cold War that Microsoft wages on its own customers, or I must find an alternative that runs on my same hardware, such as BeOS or GNU/Linux. In either case, if I don't find a commercial (and thus taxing) means of accessing my books, I must either make my own, or lose that freedom.

Any DVD or encrypted work will do its own copying, in accordance with the publisher's software, over to the user's operating system. It is the operating system which then copies the materials to the display, or printout, or storage device, in unencrypted form. One must wonder, "At what hair-splitting point are you not allowed access to your own system, because the publisher's device is 'bypassed'?"

Law Enforcement was not intended to become an extension of commercial anti-theft devices. "Innocent until proven guilty" provides an honor system for us all as citizens. To expect human behavior to be shaped by fallible computer algorithms would be to fit round people through square holes. People aren't digital.

Sincerely,  
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