



ANNOUNCEMENT

from the Copyright Office, Library of Congress,
101 Independence Avenue, S.E., Washington, D.C. 20559-6000

EXTENSION OF DEADLINE FOR REPLY COMMENT PERIOD; NOTICE OF
PUBLIC HEARINGS; AND DEADLINE FOR POST-HEARING COMMENTS.

EXEMPTION TO PROHIBITION ON CIRCUMVENTION OF COPYRIGHT PROTECTION SYSTEMS FOR ACCESS CONTROL TECHNOLOGIES

The following excerpt is taken from Volume 65, Number 53 of the
Federal Register for Friday, March 17, 2000 (pp. 14505-14506)

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 99-7B]

Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies

AGENCY: Copyright Office, Library of
Congress

ACTION: Extension of deadline for reply
comment period; notice of public hearings;
and deadline for post-hearing comments.

SUMMARY: The Copyright Office of the
Library of Congress announces public
hearings on the possible exemptions to the
prohibition against circumvention of
technological measures that control access to
copyrighted works. The Office also
announces the extension of the deadline for
the submission of reply comments and
announces the deadlines for submission of
post-hearing comments. The hearings and
comments relate to a rulemaking proceeding
conducted in accordance with 17 U.S.C.
1201(a)(1), which was added by the Digital
Millennium Copyright Act, and which will
determine whether there are "classes of
works" as to which users are, or are likely to
be, adversely affected in their ability to make
noninfringing uses if they are prohibited
from circumventing such technological
measures.

DATES: The deadline for reply comments is
extended to 5:00 p.m. E.S.T. on Friday,
March 31, 2000. Public hearings will be held
in Washington, DC on May 2-4, 2000 and in
Stanford, CA, on May 18--19, 2000.
Requests to testify must be received in the
Office of the General Counsel of the

Copyright Office by 5:00 p.m. E.S.T. on
April 14, 2000. Post-hearing written
submissions must be received no later than
5:00 p.m. E.S.T. on June 23, 2000. See
SUPPLEMENTARY INFORMATION for
additional information and other
requirements.

ADDRESSES: The first round of public
hearings will be held at the Library of
Congress in Room LA-202 of the John
Adams Building, 110 Second Street, S.E.,
Washington, DC. The second round of public
hearings will be held at Stanford University
in Room 290, Stanford Law School, Crown
Quadrangle, Stanford, CA. See
SUPPLEMENTARY INFORMATION for
additional address information and other
requirements.

**FOR FURTHER INFORMATION
CONTACT:** Robert Kasunic, Senior
Attorney, Office of the General Counsel, or
Charlotte Douglass, Principal Legal Advisor,
Office of the General Counsel, Copyright
GC/I&R, PO Box 70400, Southwest Station,
Washington, DC 20024. Telephone: (202)
707-8380; fax: (202) 707-8366. E-mail
inquiries regarding the hearings may be sent
to rkas@loc.gov.

SUPPLEMENTARY INFORMATION:
On November 24, 1999, the Copyright Office
published a Notice of Inquiry seeking
comments in connection with a rulemaking
pursuant to 17 U.S.C. 1201(a)(1), which
provides that the Librarian of Congress may
exempt certain classes of works from the
prohibition against circumventing a
technological measure that controls access to
a copyrighted work. 64 FR 66139 (November
24, 1999). For a more complete statement of
the background and purpose of the
rulemaking, please see the Notice of Inquiry
which is also available on the Copyright
Office's website at: [http://www.loc.gov/
copyright/1201/anticirc.html](http://www.loc.gov/copyright/1201/anticirc.html).

Subsection 1201(a)(1)(A) provides, inter

alia, that "No person shall circumvent a
technological measure that effectively
controls access to a work protected under this
title." Subparagraph (B) limits this
prohibition. It provides that the prohibition
against circumvention of technological
measures "shall not apply to persons who are
users of a copyrighted work which is in a
particular class of works, if such persons are,
or are likely to be in the succeeding 3-year
period, adversely affected by virtue of such
prohibition in their ability to make
noninfringing uses of that particular class of
works under this title" as determined in this
rulemaking. This prohibition on
circumvention becomes effective on October
28, 2000, two years after the date of
enactment.

During the 2-year period between the
enactment and effective date of the provision,
the Librarian of Congress must make the
determination as to classes of works
exempted from the prohibition. This
determination will be made upon the
recommendation of the Register of
Copyrights in a rulemaking proceeding. The
determination thus made will remain in effect
during the succeeding three years.

In response to the Notice of Inquiry, the
Office received 235 written comments that
conformed to the requirements set forth in
the Notice of Inquiry, as modified. The
comments have been posted on the Office's
website; see [http://lcweb.loc.gov/copyright/
1201/comments](http://lcweb.loc.gov/copyright/1201/comments).

The Copyright Office has received a
request from Time-Warner Inc. to extend the
deadline for submission of reply comments.
Given the unexpectedly high volume of
initial comments submitted and in order to
accommodate the needs of all interested
parties, the Copyright Office is extending the
deadline for submissions of reply comments.
Reply comments must be received in the
Office of the General Counsel no later

than 5:00 p.m. E.S.T. on March 31, 2000. For addresses and acceptable formats for reply comments, please see the section below entitled "Format and submission of reply comments and post-hearing comments."

The purpose of reply comments is to respond to points made in initial comments submitted in this proceeding.

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and not to raise new issues for the first time.

Public hearings: The Office will be conducting public hearings in Washington, DC on Tuesday, May 2, 2000, Wednesday, May 3, 2000, and Thursday, May 4, 2000 from 9:30 a.m. to 6:00 p.m. Public hearings will also be held in Stanford, CA on Thursday, May 18, 2000 and Friday, May 19, 2000 from 9:30 a.m. to 6:00 p.m. Interested parties are invited to submit requests to testify at one of these hearings.

Requirements for persons desiring to testify: A request to testify must be submitted to the Copyright Office. All requests to testify must include:

- The name of the person desiring to testify;
- The organization or organizations represented by that person, if any;
- Contact information (address, telephone, and e-mail);
- The location and date of the hearing at which the requestor wishes to testify; and
- A one page summary of the intended testimony.

This request may be sent by mail, by fax, or by hand-delivery. Requests by telephone or electronic mail will not be accepted. The Copyright Office will notify all persons wishing to testify of the date and expected time of their appearance, and the maximum time allowed for their testimony.

Addresses for requests to testify: If delivered by mail: requests to testify should be addressed to Robert Kasunic, Senior Attorney, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024.

If sent by fax: requests to testify should be addressed to Robert Kasunic at (202) 707-8366.

If delivered by hand: requests to testify should be delivered to Robert Kasunic, the Office of the General Counsel, Copyright Office, Library of Congress, LM-403, James Madison Memorial Building, 101 Independence Avenue, S.E., Washington DC.

All requests to testify must be received by 5:00 E.S.T. on April 14, 2000.

Time limits on testimony at public hearings: There will be time limits on the testimony allowed for speakers. In the initial comment period, the Office received 235 written comments. Given the time constraints, only a fraction of that number could possibly testify at the hearings. The time limits will depend on the number of persons wishing to testify. Approximately one

week prior to the hearings, the Office will notify all persons submitting requests to testify of the precise time limits that will be imposed on oral testimony. Due to the time constraints, the Copyright Office encourages parties with similar interests to select a single spokesperson to testify.

Post-hearing comments: At the conclusion of the public hearings, the Copyright Office will accept post-hearing written comments that relate specifically to matters addressed at the hearings or identified in the reply comments. This post-hearing comment period is not intended to be an opportunity for interested parties to reiterate points they have already made or to raise new issues. Post-hearing comments must be received in the Office of the General Counsel no later than 5:00 p.m. E.S.T. on June 23, 2000.

Format and submission of reply comments and post-hearing comments: The Copyright Office prefers to receive reply and post-hearing comments submitted in electronic format (by attachment to electronic mail or by delivery of 3.5-inch diskettes). While the Office prefers electronic submissions, reply and post-hearing comments in paper format will also be accepted. The applicable requirements for each form of submission are specified below:

1. **If by electronic mail:** Send to "1201@loc.gov" a message containing the name of the person making the submission, his or her title and organization (if the submission is on behalf of an organization), mailing address, telephone number, fax number (if any), and e-mail address. The subject heading of the message should also identify the document clearly as a reply or post-hearing comment. The document itself must be sent as a MIME attachment, and must be in a single file in either: (1) Adobe Portable Document File (PDF) format (preferred); (2) Microsoft Word Version 7.0 or earlier; (3) WordPerfect 7 or earlier; (4) ASCII text file format; or (5) Rich Text File (RTF) format. At a minimum, the comment must contain the name of the person submitting the comment.

2. **If by regular mail or hand delivery:** Send, to the appropriate address listed above, two copies of the comment, each on a 3.5-inch write-protected diskette, labeled with the name of the person making the submission and, if applicable, his or her title and organization. The document must be clearly identified as a reply or post-hearing comment. Either the document itself or a cover letter must also include the name of the person making the submission, his or her title and organization (if the submission is on behalf of an organization), mailing address, telephone number, fax number (if any), and e-mail address (if any). The document itself must be in a single file in either (1) Adobe Portable Document File (PDF) format (preferred); (2) Microsoft Word Version 7.0 or earlier; (3) WordPerfect Version 7 or

earlier; (4) ASCII text file format; or (5) Rich Text File (RTF) format. At a minimum, the comment must contain the name of the person submitting the comment.

3. **If in print only:** Anyone who is unable to submit a comment in electronic form should submit an original and fifteen paper copies by hand or by mail to the appropriate address listed above. The reply or post-hearing comment should contain the name of the person making the submission, his or her title and organization (if the submission is on behalf of an organization), mailing address, telephone number, fax number (if any), and e-mail address (if any). At a minimum, the comment must contain the name of the person making the submission.

Dated: March 14, 2000.
David O. Carson,
General Counsel.

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