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This is in regard to the request for comments dealing with section 1201(a)(1) of the Copyright Act, 17 U.S.C. 1201(a)(1), which was added by the Digital Millennium Copyright Act. This 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. I believe that DVD's should be added to the list of exempt formats.

My reason for this is that the key point in the issue isn't copy protection so it's not a circumvention of copy protection, it's circumvention of illegal infringement of fair use policies.

It serves no use in preventing people from illegally making DVD's, VHS recordings, or other format conversions. The bits can be copied identically onto other DVD's (with the appropriate manufacturing equipment), the video signal from a DVD viewer is sufficient to create production-quality VHS recordings, and one can video capture entire DVD movies with cheap and easily available computer hardware. The primary purpose of this encryption was not to prevent copying, but to restrict viewing. That means only viewing hardware produced under license, and only in approved regions.

Circumvention is necessary in order to gain fair use privileges of the copyrighted work without using licensed players. The absolute denial of fair use privileges without a license (or licensed player) from the DVD consortium should not be supported by law. Nowhere in the DMCA does it restrict fair use privileges explicitly in this way.

This is reverse engineering for the purpose of breaking the monopoly on DVD viewing devices (whether hardware or software). And the act of reverse engineering was done outside the country, so the US legality of whatever was done to produce this tool is irrelevant, only the legality of its use and distribution.

I would also like to point out that any reverse engineering decision to prohibit reverse engineering computers must also prohibit anyone from reverse engineering of anything else. Take, for instant cars. I bought a manual for my car published by one "Haynes" company. For those who don't know, this company buys a car, and takes it apart, then puts it back together for the purposes of providing high quality support manuals that it then sells to both professional and DIY mechanics. Reverse engineering has a long history in the technological world and has been applied to almost everything bought sold and used within the United States. To limit reverse engineering in this way would have disastrous consequences on any one of a number of industries that don't seem to be mentioned in this case.

Sincerely,
Liam Seamus Coughlin