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"No person shall circumvent a technological measure that effectively controls access to a work protected under this title"

I am afraid that this will not have the expected outcome. What will happen to the incentive to make these controls as secure as possible? By extension, what is the point of any controls at all? Why not just mark a document with the rules for its access and leave it up to the courts to be the effective controls?

When someone finds that an access control they have implemented has been broken, there will be no need to actually fix the problem. The easiest solution would be to simply refer it to the courts. This will shift the costs of implementing effective controls on access from the people who would benefit from those controls to the public at large.

What is wrong with current legislation? Is it not sufficient that the actual works be protected by copyright law? Is there a need to protect the protection? Someone who breaks a copyright control but does not actually break a copyright has not actually harmed anyone. As a matter of fact, such a person would more likely be helpful - alerting a copyright owner to the *possibility* of infringement on their copyright. Such a person should be commended for their restraint, not prosecuted.

Having exemptions to such a law will only make it even more complicated. There is no way to create an exhaustive list of all categories of works which this law should not apply to. The list will have to be constantly updated and added to. "are ... adversely affected by virtue of the prohibition in their ability to make noninfringing uses of that particular class of works under this title." The key word here is NONINFRINGEMENT. Why should anyone be prosecuted for circumventing an access control for purposes that don't infringe on a copyright? Do we need to make a list of types of people who aren't breaking any laws and should therefore not be prosecuted? Is that redundant?

Creating tools to break copyright is no different than owning a gun. It's when you use them that society should become concerned. Such a law will stifle intellectual growth. Such a law will in effect lower the quality of future access controls. Such a law will put even more burden on courts, and make criminals out of people who are currently intellectuals. Such a law is a bad idea.