

This is a comment about the DMCA.

As it happens, the text editor I am using to compose this message is StarOffice, a product whose purpose is to provide an office suite for computer users, who happen not to run a version of MicroSoft Windows. You know, it is sort of funny when I tell my friends "please don't send me a word document" and they tell me "why don't you use word", as if a version of Word existed for my Sun computer-- as if one would ever exist. So, my friends consider me a luddite and I consider them ignorant, and still they send me Word documents, as if it were the lingua franca of the internet.

However, as it happens I have obtain StarOffice, a product not written by Microsoft, so fulfill a market niche which MS will never enter, that being the niche of those with Sun computers who are always having to review and edit Word documents.

StarOffice performs a minor miracle, because the diligent engineers at the StarDivision spend a great deal of time decyphering the Word file format (which MS has and probably will never publish). Under the DMCA, they might not have been allowed to decypher the format, or I would not have been able to use it.

The legal essence of the DMCA is this "If a person obfuscates the format of their content sufficiently, then another person cannot de-obfuscate it without the permission of the copyright holder." This flies in the face of fair use. Additionally, it adds to the numerous unnecessary abridgements of the first amendment by preventing someone from relating to others how obfuscated material can be de-obfuscated.

Let us examine the current recent use of the DMCA to harrass those who would explain to other how to play their own, paid for, DVDs on their computers without having to use proprietary software, or worse, software which does not exist for their hardware and operating system. Yes, an encryption scheme was created to obfuscate content, and yes, some smart people figured out how to break the encryption, but breaking encryption should not necessarily be a crime unless it is concomitant with a copyright violation.

The copyright exists as an abridgement of free speech so that artists can have a monopoly on original content they create, and thereby promote an industry of creativity and entertainment. The DMCA appears to extend these monopoly rights to those who would write DVD players, but I doubt there is any need to promote this segment of industry by such measures.

Sincerely,

Ross A. Lippert