David O. Carson
General Counsel
Copyright GC/I&R
P.O. Box 70400
Southwest Station
Washington, DC 20024

RE: Sec. 1201(a)(1) of the Digital Millenium Copyright Act

Dear Mr. Carson:

I am grateful for the opportunity of submitting comments in response to the Notice of Inquiry announced in th Federal Register Vol. 64, No. 102.

Like many people around the world, I am a utilizer of the Linux operating system. This system's strengths lie in its cost, which is either very low or nil; its utility, which is determined by the user's abilty to create or modify the system at all levels and the plethora of programmers creating applications for this operating system; and the open source nature of the system, by which anyone who so chooses can modify the kernel, the applications, or just about any other program whose source code is available.

I wish to acquire a drive which can read Digital Versatile Discs (DVD's) for future distributions of Linux (SuSE, a Linux distributor from Germany, has started to release Linux versions on DVD due to the extreme size of their distribution, which currectly occupies 6 Compact Discs);
however, I would also like to be able to view DVD Movies and to hear future DVD Audio discs. My system has sufficient resources to decrypt and decode both DVD Movies and DVD Audio; however, because of recent injunctions (MPAA vs. Emmanuel Goldstein et al,) the only free, open-source program which is capable of decrypting the DVD Movie's data stream has been found to be a violation of the section of the DMCA in question, sect. 1201 (a)(1).

I feel it is an unfair impediment to users of this operating system, and other "unsupported" operating systems, to have to purchase a program when a free solution exists. As per the arguments of fellow supporters of DeCSS, the people likely to use this program are not those who would make illicit copies of copyrighted works, since all this program does is decrypt the data stream. This program allows a user to access the data stream, which again needs to be decoded by another program, a program capable of decoding the Motion Picture Experts Group (MPEG) stream.

To clarify, imagine the DVD Movie were a book. This book was originally written in English, but has been encoded in Hindi to prevent those who don't know Hindi to read the book. (This is similar to the encoding of the movie itself into MPEG format.) However, the writers of the book wish to make sure that only people they authorize can read the book, and so they encrypt the text, character by character, using a cipher which transliterates Hindi characters for, say, Hebrew. (This is similar to CSS encrypting the MPEG data stream.) In order to read that book, you must know not only Hindi (and English), but you must also possess the 'secret decoder ring' that also is needed to understand the book. The publisher then makes an additional profit on the sale of these decoder rings. (This is similar to the process that the motion picture industry has insisted with DVD encryption.)

Now, let us assume that a poor, bright cryptographer purchases a copy of this book which is encoded and encrypted. He has the ability to read and understand Hindi and English, but is dismayed to see the Hebrew characters on the pages. He does not have the money or desire to purchase the decoder ring, so instead he decides to try to crack the code. When he does, he uses the Internet to spread the key, and then the publisher sues this person for 'violating a trade secret' or some other such cry. All this person did was enable people who did not wish to purchase the decoder ring access to the book. If the person craved to make illicit copies of the book, all he would need is a copier, a scanner, or some similar device. Similarly, to duplicate a DVD, though a significant cost is required, all one would need do is simply create a bit-by-bit copy of the disc itself.

Section 1201(a)(1) seems to say that the decoder ring for new digital media must be purchased in order to access the digital media. It seems to me that the license fees demanded by the DVD CCA are an unfair impediment to those of us who legally purchase DVD Movies and just want to see them on our Linux computers.

Respectfully,

Andrew Valkanas