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

Dear Mr. Carson,

This letter is in regards to the Library of Congress' call for comments from interested parties in order to elicit information and views on whether non-infringing uses of certain classes of works are, or are likely to be, adversely affected by the prohibition against circumvention of access control technologies.

While Congress has made it evident that reverse-engineering was not intended to be made illegal (reference statements on the Congressional Record), several monopolistic and short-sighted organizations have made it abundantly clear that they wish to re-interpret the DMCA to include making it illegal to adapt properly obtained and licensed media to different technologies and to destroy the underlying foundation of the fair-use tenant.

Reverse-engineering a product to adapt to new technology has been legal and profitable to entrepreneurs who spent the time developing new and innovative products. As an example, the Sony vs. Connetix lawsuit, just decided this past week, helps to show that in the eyes of the legal system, adapting technology is both legal and moral. By preventing reverse-engineering, any company or organization will have monopolistic control over items sold and protected under the fair-use tenant, and they would have the virtual club, in the form of the DMCA, to beat any resistance or innovation down.

As an owner of a copy of the movie, The Matrix, I have the right, under law and the fair-use tenant, to make a single copy of the recording for backup purposes only. As the cost of the technology far outweighs the benefit of making a backup, I choose not to, but the legal right still exists. I have a large amount of technology at my disposal, including computer servers, audio/visual systems and several versions of software operating systems. One of my systems has a Digital Versatile Disk player, lawfully purchased, running on a computer with the open-source Linux operating system. Since I wish to use this system to play my legally purchased DVD, I should have the right to employ newly written software which would allow me to do such. Reverse-engineering the DVD playback system and encoding scheme by an individual in Norway has given

me the ability to view my DVD on my system. Reverse-engineering in this legal format (to make a copyrighted media form usable by the owner of the media, lawfully purchased) has allowed me to enjoy what I have paid for.

While copying *and illegally distributing* copyrighted materials is to be looked upon with ire and prejudice, the legal application of rights under the fair-use tenant should be prevented at all costs. In the end, monopolistic myopic organizations may control all forms of media, making a mockery of current law and constitutional protections for individuals.

As the owner of Warped Reality Studios, I am loath to transfer any of our copyrighted materials to a closed system that prevents the end customer from viewing or enjoying our products. Our audio subdivision does not encode our products to DVD format and our visual subdivision (computer-generated animations) will not transfer our products to DVD. This virtual lock on technology hurts the marketplace and prevents small businesses from competing with big businesses of the MPAA's ilk.

I wish you and your committee luck and wisdom in searching out the truth. You have my permission to reprint this letter and to quote me as needed. I also welcome any questions you may have.

Very respectfully,

Guy A. De Marco,  
Owner, Warped Reality Studios