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Honorable Copyright Counsel,

As the Copyright Office is seeking comments regarding section 1201 of the Digital Millennium Copyright Act (DMCA) and more explicitly seeking comments regarding instances where users are adversely affected by this prohibition in their ability to make non-infringing uses of that particular class of works, I offer the specific example of the Linux DVD driver (known by the common name 'LiViD'). This software is available for scrutiny at <http://www.opendvd.org/>.

The purpose of this software is clear: to allow the playback of media encrypted using the Content Scrambling System (CSS), in widespread use on DVDs, on the Linux operating system.

Under section 1201, this software is illegal. The classes of works that it affects are vague and far-reaching, as any media which may be put into a digital format may be encrypted or scrambled and placed on a DVD. It is not possible to describe a specific class of work that should be exempted from section 1201, necessitating that any class of work must be exempted.

Further demonstration of how the user of the protected work is adversely affected follows:

By restricting the method by which a user may access the encrypted content of a DVD, burden is placed upon the user to purchase (a monetary cost) and configure (a cost of time) the necessary equipment or software to view the given media. In either event, these additional costs cannot be avoided due to the restrictions given under the DMCA. Furthermore, in the event that a software solution is required to view a given media, the user loses the ability to inspect said software for security or privacy reasons and may also be forced to purchase additional software (such as a specific computer operating system) in order to gain access to that media which they have rightful access to under copyright law.

The Linux DVD driver has the ability to avoid the above costs, and thus it is reasonable that its use should not be made illegal for the classes of works to which it applies.

Sincerely,

Michael A Tilp