

Comments Regarding Section 1201(a)(1), Digital Millennium Copyright Act

To Whom It May Concern:

The Digital Millennium Copyright Act has been receiving a great deal of attention due to the controversy that has arisen since its inception. I feel it is beneficial for companies and individuals to be able to protect their investment and the Digital Era is threatening that ability. Just a few years ago it was easy to differentiate between an original work and the copy by the apparent difference in quality. With the digital capabilities now, the copies are identical to the originals and measures have been taken to limit the access to the original work.

Access control measures do not affect the user in his or her ability to make non-infringing uses. These measures can require authorized users to pay for access to a work. The users are then granted to use the work in a way that would not be considered infringing, but instead, fair use. The access control measures utilized on digitized works are to protect the copyrighted work against unlawful uses. Any user wanting to use the work simply needs to gain authorization. Authorization entails renting, leasing, or buying a copy. Companies implement access control as a means to authorize or license access to works while prohibiting and discouraging unauthorized users from illegally copying their work.

Section 1201(a)(2) of the law states "No person shall manufacture, import, offer to the public, provide, or otherwise traffic in any technology, product, service, device, component, or part thereof, that is primarily designed or produced for the purpose of circumventing a technological measure that effectively controls access to a work protected under this title." This is already in affect. This part of the DMCA is being used against individuals who constructed a

device to allow them to play DVD's on computers running Linux. The defendants purchased a DVD knowing it would not work on their system. They proceeded to circumvent the access control measures and then posted the unscrambling program on the Internet. It is understood that the defendants desired to play the DVD on the Linux system; however, the program they posted also facilitated the act of copying the DVD, a copyrighted work, which is clearly an illegal act.

The Digital Era has opened up a new Pandora's Box. It has allowed the world massive access to information. Along with the new privileges comes responsibility and regulation. We have to be able to protect copyrighted works whether they are digitized or in print. I am the last to desire "Big Government," but I want to be assured that my rights to my copyrighted material will remain mine and be regulated under the law.

Sincerely,

Kathleen Harpenau